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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. CRAPO].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 27, 1995.

I hereby designate the Honorable MICHAEL D. CRAPO to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 1995, the Chair will now recognize Members from lists submitted by the majority and the minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes and each Member other than the majority and minority leaders limited to 5 minutes.

The Chair now recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

PROTECT CHILD NUTRITION PROGRAMS

Mrs. SCHROEDER. Mr. Chairman, I am proud to come to the floor to talk about children. As you know, I used to chair the Select Committee on Children, Youth and Families, and I just returned from Denver where people are really very troubled by what is happening to children in this new talk about block granting school lunches, money for WIC, and money for non-school child care.

I am very, very proud that in my State we have what is called the Colorado Children's Campaign. A year ago they started something that has been carried on here, this year, by people advocating for these programs.

What they did was dress dolls and then tied a story of a real Colorado child around that doll's neck, to talk about how these programs really do affect children.

For example, here is one that was made by a Coloradan. This young child's name is Wayne. He is 6 months old. He has a big sister. His mother does not want him. So therefore let me tell you what happened to Wayne. Wayne went to grandma. Grandma decided she did not want this little boy. He is now in foster care. This is a child who is going to be dependent upon nutrition services or he is going to not be well raised. I think that is very, very important.

They also brought this little girl. This little girl's name is Susan. Her dad left her mom. Her mom went on welfare. Her mom got job training, finally found a job, and Susan is now in child care. But that child care center receives food from the U.S. Agriculture Department, and that is part of the food that we are talking about block granting.

Now, many of my constituents were trying to move these around the Hill last week and felt very intimidated. People were telling them these dolls were not welcomed in committees, they were not welcomed in the Halls of Congress, because people wanted to be able to cut these programs and not realize what they were really doing.

We talk about numbers, but behind every one of these numbers is a child who is not fortunate enough to be able to pick its parents. Therefore, they are in real trouble if this country backs down on the commitment we have made for the last 50 years to nutrition and making sure that every American child gets a good start.

You know, James Baldwin said it better than any of us. He said these are all our children, and we will all either profit by or pay for whatever they become.

I think that was the motto that started this whole area of child nutrition programs. We know Harry Truman started it in 1946 after they were horrified by the level of malnutrition they saw of young men applying to fight during World War II. So as a consequence, it has grown and grown.

We now have some very disturbing statistics from the Department of Agriculture about what will happen if this Congress moves to implement the block grants that we are talking about. If we implement those block grants, we know that the WIC Program would immediately cut out 275,000 recipients today. If you compared it to what is in the President's budget, it would be over 400,000 recipients. These are low-income women that are getting food to try and make sure that their child is born safely.

Now, that is very important, because in my State of Colorado we have more babies born too small to be healthy this year than any other year since 1976. So our hope had been they would be expanding this program. We know that nutrition during pregnancy is a critical, critical problem, and if we do not feed them, then we end up with all sorts of developmental problems later on.

If you look at the school lunch program, in my city of Denver there is about 70 percent of the kids, 70 percent of the kids in Denver, CO, qualifying for subsidized lunch programs. That is because so many of the middle class kids have left.

Well, if this goes into effect, many children are going to be pushed out or there will be no national nutritional standards. Instead you are going to have 50 different States doing whatever

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they want to do, with no monitoring and being able to spend the money however they want.

I think Americans have been proud of the school lunch program. It has been a program that works, it has been a program that has been efficient, it has had national standards, and we have seen the results through our military recruitment. I would hope this body reconsiders what happens and try to undo some of the damage we have seen by the block grants that are coming forward.

REPORT ON UNITED STATES MILITARY OPERATIONS IN HAITI

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 5 minutes.

Mr. GOSS. Mr. Speaker, it is day 162 of the occupation of Haiti by United States troops. The costs are about $850 million, heading to $1 billion, but every American can feel safe and secure that the Haitian military is not going to invade us.

Congress put itself back into the Haiti policy loop last year, after some of the concerns we had about the way it was being handled by the White House, by requiring reports. I have the report from February 1 submitted by the White House to Congress. The report, a bit self-congratulatory, documents the success of operations in Haiti to date. Indeed, it does that. It is a short report.

What it does not do is document the problems we are facing and the risks we are facing and the costs we are obligating our taxpayers to at all, and that is something that needs to be done.

I read from the report. It says the purpose of our mission down there was to use all necessary means to secure the departure of the coup leaders. Many will remember they have left, and I think we have primarily former President Carter, General Colin Powell, and Senator SAM NUNN to thank for that. Certainly the threat of the force of our U.S. military was part of that. But the fact is, maybe we did not need to send 21,000 of our assault troops to that friendly, neighboring country to accomplish the removal of those coup leaders.

But let us go on to the next point, restoring the legitimate, democratically elected Government of Haiti to power. The administration is claiming great success for that. Well, they have not restored the Government of Haiti to power. They have restored President Aristide to power in his White House, but we no longer have a Parliament in Haiti, which is an essential part of government, and we certainly do not have much of a judiciary system. Any student of the Constitution in this country will understand that a functioning democracy has to have those three branches of government, which they do not have in Haiti.

You also have to say that in Haiti that the Haitians are not the power. The Government of Haiti is certainly not the power. It is the U.S. military that is the power down there now. To say that it has been restored to the Haitian people is a further mistruth, because it is only to select Haitian people.

If you go to Haiti today and say how do you feel about the United States troops, you will get a number of answers, depending on who you talk to. The people who are pro-Aristide will say we are very friendly. The people who are not pro-Aristide, which is about 30 percent of the country or so, will say we think everything the U.S. Government is doing is backing Aristide, and it is very pro-Lavalas, and we are being identified with one man's power, one man's presidency in that country, and that is a dangerous place for our foreign policy to be.

But moving forward from those points, when we talk about whether or not the Haitians can run Haiti yet, it is clear they cannot, and even though we and the United Nations have declared that it is a secure and stable environment, we saw just last week that they had a massacre as soon as our troops left one of the enforcement areas, the police station up in a town called Limbe. Our troops left, the mob went in, grabbed the people out of the station, beat them to death, burned them, and at least had the decency to bury them after that.

That is an isolated incident, I agree. But I suspect as our forces leave, we need to be on guard. To say things are secure and stable may be stretching the point just a little bit the way things are in Haiti today.

That police force is supposed to provide some of the stability. Some observers now are saying they are being politicized, deliberately politicized by President Aristide; he is bypassing passing some of the screening process put in to build a professional police force. This is a serious problem and we need to know a lot more about it.

I think that the report that we are talking about, restarting the Haitian economy, which is very important, signals something very curious for us as American taxpayers. We have about $1.6 billion pledged for our military support, and another $1 billion pledged for some type of aid support over the next year or so, I think would be a fair statement, and yet it is all at the top. It is not down at the bottom. We are not getting the money and the expertise down at the working level on the front lines of commerce.

Talking to businessman after businessman after businessman, our program there is misdirected, and that is something we have to refocus very quickly, especially for that kind of money.

We are paying a very heavy price in Haiti as taxpayers, as I said. What are we spending money on? We are buying troops from other countries. We are paying foreign soldiers, paying them at the rate of about $1,000 a month to foreign governments, who are taking a handling fee to put their troops into Haiti as part of a joint task force. Our troops down there are being used right now for things like garbage collecting, writing speeding tickets, making traffic flow work, that kind of thing.

In this report, interestingly enough, the White House says we must have to cover a $2.6 billion shortfall in our defense spending because without it the net effect will be a significant decrease in overall military readiness.

In other words, our military readiness is at threat because our troops are picking up the garbage in Haiti. We need a fuller report from the White House.

SSI EXTENSION TO GUAM AND THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Guam [Mr. UNDERWOOD] is recognized during morning business for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, today I am introducing legislation to correct the fundamental flaw in the Republicans' welfare reform proposal contained in the Contract With America. Their proposal would substantially undermine the public assistance program by sending block grants to the States, limiting the Federal spending, and dropping millions of children and adults from the rolls, thus jeopardizing them to a future of poverty, joblessness, and hopelessness.

The Republican proposal to restructure the welfare system is fraught with provisions to exclude noncitizens from receiving many public assistance programs. For instance, they would be ineligible for Medicaid, SSI, and a variety of food, housing, and health care programs. The denial of these services to low-income children and families is cruel and would only exacerbate their poverty and dim their hopes for a better future.

While there should be strong and vigorous debate on the inclusion of noncitizens, perhaps it is not clearly known that not all U.S. citizens are included in the benefits. Let me repeat this: Not all U.S. citizens are eligible for SSI.

I am concerned about a major omission in the majority's welfare reform bill, which fails to address the need for Supplemental Security Income coverage for the territories. Since the implementation of the SSI Program in 1974, the citizens of the insular areas have been excluded from participating in this program. The Republican bill continues to deny SSI benefits to the U.S. citizens living in these offshore areas. The bill I am introducing today would extend the SSI Program to Guam and the Virgin Islands, and I understand that the extension of SSI to American Samoa and Puerto Rico will be addressed in separate legislation.

The gross disparity of denying SSI to the territories is particularly significant, coupled with the fact that the total Federal expenditures for all cash assistance programs, including the Aid to Families with Dependent Children and the adult assistance programs, are capped each year for the insular areas. For Guam, the Federal cap is $3.8 million per year. In fiscal year 1994, Guam spent under Federal mandate approximately $15 million to provide Federal assistance to eligible low-income individuals.

Today, I am seeking a quality of treatment for the people of Guam and the Virgin Islands in comparison with those residents of the 50 States and the District of Columbia. Citizenship in this country and the privileges associated with it should not be measured by geographic choice, in residency, or the size of one's pocketbook. Whether one chooses to live in Alaska, Florida, or the Virgin Islands, a federally funded program should be accessible to everyone. However, if you are residing in Agana, Guam, or St. Croix, Virgin Islands, you are not eligible for SSI benefits.

Finally, providing SSI benefits to Guam and the U.S. Virgin Islands will provide the well-being of low-income aged, blind, and disabled residents of our island economies who are dependent on imports from the States and foreign markets.

Guam and the Virgin Islands have been associated with Uncle Sam for many years. In a partnership associates share in the benefits of the association. Uncle Sam, it is time to share the wealth and the responsibility of caring for your partners. We on Guam have fulfilled our responsibilities by giving up one-third of our island for national security, giving our sons and daughters to fight in wars all over the world, and giving loyalty to the American flag every day of our lives.

And here is the fundamental craziness in SSI eligibility, both from the past and into the present. The Commonwealth of the Northern Marianas is included and eligible under current SSI regulations, and they are 40 miles from Guam and have been associated with the United States since 1976 and became citizens at that time. Guam, whose people have been under the U.S. flag since 1898 and became citizens in 1950, and the Virgin Islands, whose people came under the flag in 1917 and became citizens in 1927, are ineligible.

Why the loyalty and dedication of the citizens of these two territories goes unrewarded while others assume benefits, including noncitizens resident in this country? Who knows. But we want to fix it, and this is one of the things that we can fix, and we can fix today.

I urge my colleagues to join me in extending the SSI benefit to the two insular territories of Guam and the Virgin Islands.

SUPPORT THE RISK ASSESSMENT AND COST-BENEFIT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Georgia [Mr. NORWOOD] is recognized during morning business for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I rise today in support of the Risk Assessment and Cost-Benefit Act. We must put an end to the overreaching bureaucrats whose choking regulations threaten American people every day. We must make the first rule of our regulatory system common sense. The bill will force Federal bureaucrats to use a little more common sense.

The examples of Federal regulatory nonsense are too numerous for me to mention here. Some are painful and some are just plain absurd. A pair that come to mind include an OSHA rule that cost the dental industry over $2 billion but produced no measurable improvement in worker safety, or then there's OSHA's attempt to declare bricks a potentially poisonous substance—yes, bricks. I imagine it is only a matter of time before some bureaucratic genius issues an advisory that says, ''If Americans stopped driving their cars, there would be a lot fewer auto accidents.''

Mr. Speaker, the way to bring sensibility to Federal regulations is to apply risk assessment and cost-benefit analysis as in our bill. The EPA and the FDA's own estimates suggest that their new regulations cost the economy as much as $12 billion each year. Our bill will force these bureaucrats to prove that the cost is worth the benefit we receive from those regulations. It will force agencies to focus on the most dangerous risks to society. It will force regulators to look at the effectiveness of $10 million solutions versus $100 million solutions.

Our opponents will argue that this legislation will roll back existing regulations. They will argue that this bill will endanger the safety of Americans. Mr. Speaker, the EPA Director, Carol Browner, went so far as to say, ''20 years of protection of our children, our air, our land, and our water are being rolled back in the dead of night.'' Nothing could be further from the truth. Mr. Speaker, EPA Director Browner's remarks only show how desperate Federal bureaucrats are to hold on to the coercive power they now have over American business and the American people.

The main principle of our regulatory reform system must be common sense. The Risk Assessment and Cost-Benefit Act will force Federal bureaucrats to focus their regulatory efforts on what will benefit Americans the most. It will prevent Federal bureaucrats from forcing industries to spend millions, even billions of dollars without proving with good science the responsibility of that action. It will force Federal bureaucrats to give cost-effective solutions the same consideration and the same weight as the extravagant ideal solutions they pursue today.

Mr. Speaker, it is past time that we recognize that our resources are not boundless. If we are to save ourselves from the debt that is crushing us every day, we must force Federal regulators to behave responsibly and ease the burden they place on our economy.

□ 1250

THE BALANCED BUDGET AMENDMENT

The SPEAKER pro tempore (Mr. CRAPO). Under the Speaker's announced policy of January 4, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized during morning business for 2 minutes.

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, tomorrow the Senate will vote on the balanced budget amendment and they are one vote short. That is an issue that is very much needed by all Americans.

We must balance the budget. We must provide this discipline to end the deficit spending and to shrink Government and reduce the tax burden.

Over the last 25 years we have been unable to exercise the self-discipline of a balanced budget. So passage of the balanced budget amendment means an ending to the liberal welfare state just like passage of regulatory reform meant an end to the nanny state.

The balanced budget amendment is not only important to this generation, Mr. Speaker, but it is important to the next generation. We are $4.5 trillion in debt. The balanced budget amendment starts a glide path that gets us down to the year 2002. It is a 7-year plan.

My oldest child Jessica is now 14 years old. In 7 years she will be 21. She will be out of college. She will be paying taxes and contributing to society. So it will be up to her generation to pay off the debt because we have spent their money. If it takes as long to pay off the debt as it took for us to spend it, to raise the debt, than she will be nearly 50 years old.

One vote away. Mr. Speaker, we must have this discipline. Because if we do not get this discipline, Americans, I fear, will lose faith in this economy and in this system of self-governance, just like Mexico recently lost faith in their economy. It caused a near economic collapse, and we are still struggling with the solution to that problem.

We just ask that the Senate join with the Republicans in the House and all across the Nation who want a balanced budget amendment because we are committed to stopping the out-of-control spending and the out-of-control regulation. We are working hard for real change and for keeping our promises.

CHINA AND INTELLECTUAL PROPERTY RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, this weekend U.S. Trade Representative Mickey Kantor announced that the United States and China reached an agreement that will provide protection of intellectual property rights for the United States companies and provide market access for intellectual property-based products. Good for him, and I commend the Clinton administration for their tough negotiating stand that they took on reaching this agreement.

The agreement between China and the United States contains the following commitments from China: to take immediate steps to address rampant piracy throughout China; to make long-term changes to ensure effective enforcement of intellectual property rights; to provide United States rights holders enhanced access to Chinese markets. This includes a commitment for no quota on United States audio-visual products among other provisions.

Mr. Speaker, this agreement—and it was necessary for the administration to be so very tough—this was necessary because about 3 years ago, the Bush administration, in addressing this intellectual property problem, engaged in a memorandum of understanding with the Chinese. Operating in good faith, the United States entered into this agreement which, unfortunately, the Chinese did not enter into in good faith. Because China did not live up to its obligation of the agreement to enforce its laws and regulations, intellectual property rights have been virtually absent in China. Respect for them have been absent and piracy rates are soaring in all the major centers along China's increasingly prosperous east coast. In the past 2 years Chinese companies have been exporting pirated products in large volume. Not only are they pirating intellectual property for domestic consumption, they have become exporters to Asia and Latin America, Canada and the United States of our intellectual property.

For example, Mr. Speaker, China—in China they have a capacity to produce 75 million CD's for a domestic market that can only absorb 5 million CD's annually. So they produce 15 times more than they can possibly consume domestically under the present circumstances.

So it was, as I say, I thought that the memorandum of understanding was weak when it was entered into, but the Bush administration gave the Chinese the benefit of the doubt.

Since that time, as you know, Mr. Speaker, there has been a boom in the Chinese economy, the rates of growth have been record highs—have reached record highs. And with that increase in the boom have increased the piracy and violations of our intellectual property agreement.

The agreement is one thing, however, and enforcement is another. Today's action was necessary because of the failure of the MOU, as I mentioned.

Why am I suspicious and why do we have to be very vigilant as far as the Chinese on the enforcement of the intellectual property? Because of several factors.

In the past 5½ years, since Tiananmen Square, the trade deficit with China, largely because of unfair trade practices of the Chinese, has increased from $6 billion to $30 billion—$30 billion trade deficit. I told you about the CD's, 75 million—for domestic consumption, 5 million. At that, pirated, even the 5 million would be pirated.

You may recall, Mr. Speaker, that the paramount leader, Deng Xiaping visited south China to support the market reforms going on there and with great pride he visited the Shen Fei factory in 1992, the very factory that was producing pirated illegal U.S. intellectual property.

Many of us, people even in the administration, are suspicious of the Chinese willingness to crack down on that particular factory because relatives of the highest leaders in China benefit from the profits. They are the owners. Indeed, it might surprise you, Mr. Speaker, to know that even the trade ministry of China uses pirated Microsoft software. So when I say that they do not operate in good faith in the memorandum of understanding, you know why I am suspicious.

But one other thing happened over the weekend in relationship to China. I wanted to call it to the attention of our colleagues.

Twelve intellectuals petitioned China on corruption. The dozen prominent intellectuals formally petitioned the parliamentary bodies to conduct an independent investigation into corruption of the Chinese leadership. The presentation of the 2,000-word petition marks the first time in a year that an organized group of scholars, writers, and former Communist Party members—indeed, two of these people were former editors of the People's Daily; they had been fired because their prodemocratic sympathies, proreform sympathies.

In any event, my point is: If the administration pays at least 1 percent of the time to the rights of the intellectuals, the workers, the people of China as it is done to intellectual property rights, we might be able to have some success in that arena as well.

I wanted to make sure our colleagues were aware of the petition of the intellectuals.

THE SCHOOL LUNCH PROGRAM

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I have been troubled over the past 10 days and particularly this weekend over the rhetoric that has been coming from the other side of the aisle with respect to the school lunches and WIC, which means the program that is for women, infants and children. We have been attacked on this side of the aisle with all of the old canards: callousness, lack of compassion, not caring at all, being the toutees of big business, et cetera, et cetera, et cetera.

I have been extremely curious about why the Democrats have been attacking us with such viciousness. We heard another attack just this morning on the same subject, not a vicious attack, but an attack nonetheless. And because it is clear to me that when you analyze the Republican approach to this, it certainly does not do what the Democrats claim it would do. In other words, it is not on the facts that people are confused.

If you listen to the numbers, Mr. Speaker, you get a very different picture. First of all, the amount that we are spending on school lunches in 1995 is $4,509,000,000. Under the base line, what the proposal from the President, it would have been $4,703,000,000 in 1996. Our Republican proposal actually increases that to $4,712,000,000. So in other words, there is more money going to school lunches, certainly $200 million more than in 1995. Actually, $9 million more than, I am sorry, not $9 million, $90 million more than had been proposed in the President's budget. And so that does not square with the attacks you have heard.

Look at the WIC spending. WIC is money that goes to women, infants and children, $3,470,000,000 in 1995. Under our proposal, $3,684,000,000 in 1996, an increase of more than $200 million. That is also an increase of $100 million over the CBO baseline estimate.

Now, I started to think about this. I thought, if we are in fact increasing the amount of money that is going to school lunch spending, why is it that we have been attacked by the President, by the administration, by Cabinet members and by leadership on the other side of the aisle? It seems to me that what you have to look at is who is being cut. And who is being cut by this program are bureaucrats in Washington. The people in Washington that have been making these decisions, they are cut through the Ag budget. They are cut substantially. It is real pain for a person that is losing their job in the Federal bureaucracy. I do not doubt that for a moment. But the fact is, that when we are making the cuts, as a result of that, you have to say to yourself, who is it that the Democrats are representing in this process? Are they representing the children or are they representing the bureaucrats?

So I decided to myself, well, maybe what I want to do is what I used to do in the private sector, and that is follow the money.

So I did a little analysis, the details of which I am going to disclose later on today, but it compared the number of dollars that have been contributed to Democrat candidates over the past 10 years, the past five cycles, by Federal employee PAC's, political action committees. Those are special interests that give money to candidates.

I compared those dollars given the Democrats to dollars by those same Federal employee PAC's given to Republicans. Guess what I found out? I found out that Democrats get more than 10 times the amount of those dollars in terms of contributions. So I started to say to myself, of course, there is something very natural going on here. The Democrats understand who their constituents are. Their constituents are not the children. Their constituents are not the children who, in this case, here is a doll that was given to me by Jamie. It was brought to me by Billy Osborn Fears, who is probably one of the most wonderful, responsible, intelligent, creative, energetic, committed social workers I have ever met working in Cleveland, OH. And what the Democrats are saying is that Billy Osborn Fears, who actually goes in and out of these centers on a daily basis, she is there, she knows what is needed, she knows how to administer these things, she knows how to get the biggest bang for the buck, that she does not have as much intelligence or commitment as the Federal bureaucrats in Washington do.

I am not going to impugn the reputation of people working in Washington, but I will tell you one thing, and that is, that if you are in Washington, how can you possibly know what is needed on the west side of Cleveland? How can you possibly have the same sensitivity to what is needed in the borough of the Bronx of New York, if you are not there, if you are not there every day? And that is what this program is all about.

It is a very different way of spending your Federal tax dollars.

Mr. Speaker, it is very important. So I started to think about this. My only conclusion is that you have to determine who the constituents are. We represent the children.

RECESS

The SPEAKER pro tempore. There being no further Members listed for morning hour, pursuant to clause 12, rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 5 minutes p.m.) the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. BEREUTER].

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We know, O gracious God, that when the resources of our minds and spirits grow fragile and the burdens are great, we can seek Your will and Your way in our prayers. We recognize that our intellect and our commitment are not enough for all the pressures and anxieties of daily life and we are often too slow to seek Your guidance and assurance. We pray, O God, that Your grace that is greater than we could ask or imagine, will be with us in all the moments of life and give us that strength and that peace that the world cannot give. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

REPUBLICAN CONTRACT WITH AMERICA

(Mr. WELLER asked and was given permission to address the House for 1 minute.)

Mr. WELLER. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third, and cut the congressional budget. We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to protect our freedoms—we kept our promise; Government regulatory reform—we are doing this now; welfare reform to encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts for middle income families; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; commonsense legal reform to end frivolous lawsuits, and congressional term limits to make Congress a citizen legislature.

This is our Contract With America.

SCHOOL LUNCH PROGRAM

(Mr. UNDERWOOD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UNDERWOOD. Mr. Speaker, every day on Guam 18,000 hot lunches and 6,000 breakfasts are served to schoolchildren.

As a former classroom teacher, I know the value of a nutritious meal to the learning process. And I can spot when someone has not done their homework and is faking it.

The other side would argue that they cut this program, but it is included in the new block grants better entitled block head grants. This rationale is baloney. The new block grants are by every admission, a way that will eventually cut programs and reduce funding. The savings are supposed to be in less bureaucracy. But school lunches are not made by bureaucrats. These programs work quite well because they are administered by the elementary school principals for the benefit of our children whom we place in their trust.

We need to send some Members of Congress back to first grade to relearn their ABC's—

A. Elementary schools are not bureaucracies.

B. Schoolchildren are not freeloaders; and,

C. Hot lunches are not pork.

MEAN SPIRITED

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, as we have just heard, some overmodulated liberals in the new minority have taken to calling our new Republican majority mean spirited. By their curious standards, our attempt to cut Federal bureaucrats is mean spirited. Our efforts to reform welfare are mean spirited.

But, Mr. Speaker, it is fair to ask, what is the real definition of mean spirited? Is defending a system that wastes the taxpayers' money not mean spirited? Is fighting an effort to instill some fiscal responsibility not mean spirited? Is continuing a welfare mentality that kills opportunity and creates hopelessness not mean spirited? Is taking money from future generations to pay interest on our debt today not mean spirited? That is why we need the balanced budget amendment.

Mr. Speaker, defenders of the old order have always accused those of us who want to bring change of being mean spirited. I urge those so quick to judge us to look in the mirror to see if they can find the true culprits.

NUTRITION BLOCK GRANT PROPOSAL CALLED MEAN SPIRITED

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, today I rise in opposition to the mean-spirited nutrition block grant proposal. I say mean spirited, and I do intend to say that, because what the Republicans are saying is, ''No, we're not going to cut the amount of money that's spent. We're going to put it into one bundle or block and give it to each of the States.''

You know, that sounds good on the surface, but what they are doing is saying, ''What we're going to spend is a fixed amount. It's not going to depend on the economy. It's not going to depend how some regions of our country fare compared to some other regions. It's going to depend on how much we want to give them today.''

Let me tell you, Mr. Speaker. It will devastate our Nation's children. Children are the most defenseless population in America. They are entirely at the mercy of adults. We have a moral obligation to provide for these children.

When I was in the Peace Corps, living in Africa, I was not surprised to see children malnourished. I do not want to see it in America.

BALANCED BUDGET AMENDMENT

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, while home over the weekend, numerous people shared their hope and anticipation in the passage of the balanced budget amendment. These people understand the need for this legislation since their share of the national debt exceeds $13,000. The debt now stands at over $4.5 trillion and it has been 25 years since the Federal Government has endorsed a fiscal year surplus.

My constituents and constituents nationwide want a balanced budget amendment because it denies the Federal Government from spending more than it takes in. It ensures that the Federal Government lives by the same rules as families, businesses, and local governments, and it restores fiscal sanity and common sense to Washington. As elected officials, it is our duty to work for passage of this legislation. This commonsense approach to changing business as usual is the right thing to do for future generations.

My fellow Members, it is my hope that this amendment passes for the sake of the American people.

CHINESE TRADE: THE FLY AND THE SHARK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, another trade deal with China. This time it is over software. Software, Mr. Speaker. While we are quibbling over software, China is melting down hardware in factories all over America.

Check this out. Nike makes over 1 million pairs of athletic shoes in China every year and it costs 17 cents to make a pair of those shoes. Nearly all of them are shipped to America and they sell for over $100 a pair. But these think tank experts keep telling Congress, we need these cheap Chinese goods so we can keep our prices down.

Beam me up, Mr. Speaker. I commend Mickey Kantor for his efforts, but the truth is I think this trade deal is a fly on China's face while a full-grown great white shark is eating America's assets. That is assets, Mr. Speaker. Think about it.

ENDING BIG BUSINESS AS WE KNOW IT

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, tomorrow the other body will cast its most important vote to date on the balanced budget amendment. Only a balanced budget amendment can provide the discipline to end deficit spending, shrink the Government, and reduce the burden on American families to shoulder the national debt for generations to come.

The balanced budget amendment is still one vote short as President Clinton and the other guardians of big government are doing everything within their power to kill it.

The fact of the matter is that many Members of Congress and the President have absolutely no intention of ever balancing the budget. They seem to be content with ongoing $200 billion deficits and the intrusion of big government into the daily lives of American taxpayers.

Mr. Speaker, there is a fork in the road and the paths are clear. One leads to more of the same, deficits and higher taxes. The other leads toward the replacement of the welfare state with an opportunity society that understands that power emanates from people, not from government.

The choice is clear. I urge all my colleagues in the other body to move this country in the right direction.

PUBLIC BROADCASTING BRINGS REWARDS

(Mr. MINETA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MINETA. Mr. Speaker, last week the House Appropriations Committee took the first step to cut funding, and eventually eliminate, the Corporation for Public Broadcasting.

Public Broadcasting stations are different than commercial stations in that they are not always bound by the bottom line. This allows them to air programs commercial stations cannot afford. And it allows the American public to watch quality, commercial-free programming that is not available elsewhere.

The Corporation for Public Broadcasting ensures that our children watch Sesame Street rather than Beavis and Butthead, that quality arts and cultural entertainment are available, and that we get indepth news coverage on television and radio.

Mr. Speaker, as we cut Federal spending, we must be smart and responsible. And we should remember that for a relatively small investment, Public Broadcasting brings us great rewards.

PASS THE BALANCED BUDGET AMENDMENT

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, after listening to some of my liberal colleagues on the other side of the aisle, you would think that balancing the budget was like dreaming the impossible dream. Actually nothing could be further from the truth. We can balance our budget. We just need to act a little more responsibly. That is why I support the balanced budget amendment to the Constitution. It forces us to act a little more responsibly.

One would think from the rhetoric of the liberal Democrats that balancing the budget means draconian cuts in the budget. Actually all we have to do is slow the rate of spending to an additional $2 trillion instead of $3 trillion in the next 7 years. The fearmongers are acting like we want to starve children. Ridiculous. We want to save our children's future.

I encourage all of my colleagues, pass the balanced budget amendment now.

CHILD SUPPORT ENFORCEMENT AND MEAN SPIRITEDNESS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, I rise today to thank the President for signing the order that will make the Federal Government a model employer on child support enforcement. I chaired the hearings last year where we had parent after parent come forward and talk about their problem of making Federal employees be responsible for paying child care. Now the President has done everything within his means and I would hope that this body would do everything within their means to fill in the things that we have to do by legislation.

I also would like to speak for a moment about the mean spiritedness I am hearing about on the floor today. I think it is rather ironic that the same bureaucracy that they do not want to handle child lunches is going to be able to continue doing food stamps. I mean, that makes no sense to me.

Why will 50 bureaucracies do a better job of handling children's lunches but you do not want to entrust the food stamps to them? I think we know. I think it is because we are going to let the bureaucracies eat the kids' food.

SUPPORT THE BALANCED BUDGET AMENDMENT

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, as the debate on the balanced budget amendment comes to a conclusion, the American people have heard a great many reasons why this amendment to the Constitution should not be enacted. There is the Social Security red herring. There is the canard regarding the role of the judicial branch. There are the dire predictions of gloom and doom to our economy. Excuses, diversions, distractions, delaying tactics.

The American voters do not want any more excuses. They want a balanced budget to the Constitution. They want this amendment because the people are tired of the Congress taxing and spending away our children's futures. They want this amendment because the Congress has proved incapable of coming to grips with our budget deficit without it.

Mr. Speaker, I urge opponents of the balanced budget amendment to stop with their excuses. A vote for the balanced budget amendment is a vote for the future prosperity of our Nation.

FEED THE CHILDREN

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, last week when we saw the proposals that were being made by the Republican leadership to cut the Federal nutrition programs, our colleague, TONY HALL, a great leader in the fight against hunger in America and indeed throughout the world, said, ''Up until now, the issue of hunger has not been debatable.'' Indeed it should not be. A great country, a decent country like ours should heed the Bible and feed the hungry.

Before we vote on these changes, because we will have to vote on them, which will jeopardize our children's health, we should think and we should listen. We should listen to the teachers. Teachers tell us that a hungry child is a distracted child. A good meal is an investment in learning. We should listen to the doctors. With the WIC Program, the doctors tell us that a dollar spent on nutrition for a pregnant mom saves $4 to be spent on problems to be dealt with with a sick child later, a malnourished child later.

In addition to our concern about the child, this has fiscal overtones. We should listen to the generals. It is indeed they who had suggested the School Lunch Program when they saw that our troops were malnourished in the 1940's.

This is not about domestic versus defense. This is about a strong defense. We must feed our children.

TODAY'S FORGOTTEN AMERICANS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, the giant sucking sound in America in 1995 is a governmental grabbing of private property through ruinous regulation. Our farmers in the Midwest and across the Great Plains are unable to use their farmland because the Government calls their dry lands wetlands.

Property owners on the East Coast are denied the right to build homes for their families because bureaucrats deem their construction unwise.

Across, Texas, homeowners, ranchers, and farmers are warned they may not be able to use private land if a golden-cheeked warbler decides to nest there.

These are today's forgotten Americans. These citizens will be forgotten no longer if, later this week, we pass the Private Property Protection Act of 1995.

This legislation puts the rights of these Americans who do the work, pay the taxes, and pull the wagon on the same par as the blind cave spider and the fairy shrimp.

This legislation requires the Government to pay for land that it wants to use for a public good. It prevents us from shifting those costs onto the farmer, the rancher, the homeowner who happens to own the wrong land in the wrong place at the wrong time.

Mr. Speaker, let us remember the forgotten Americans.

REMEMBER THE CHILDREN

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, today I rise in protest to the Republican plan to transfer funding for the school student nutritional program to block grants to the States. The claim that this proposal will be beneficial by reducing bureaucracy is misleading and downright false.

The purpose of this program which has been in place for 49 years and has been modified and approved in previous Congresses is to ensure that our children are well-nourished and that they are provided with the nutritional substance that they need to get them through the day.

Many children who participate in this program have no other source for meals during the school day. The family may not be able to provide for the child because of financial difficulties, and, of course, we must acknowledge that parental neglect does take place even in affluent families.

How can we justify taking food from the mouths of poor children who are struggling to get through school? Mr. Speaker, we have lost a generation of children through violence and drugs. Let us not destroy another one through malnutrition and neglect.

OHIO LEADS THE COUNTRY IN THE GLOBAL MARKETPLACE

(Mr. OXLEY asked and was given permission to address the House for 1 minute.)

Mr. OXLEY. Mr. Speaker, I rise today to commend the manufacturers and workers of Ohio on a noteworthy achievement. According to World Trade Magazine, the State of Ohio ranks No. 1 in the country in the number of businesses that export goods. Thanks in no small part to the policies of Governor Voinovich and the Ohio Department of Development, 67 percent of Ohio's manufacturing companies with over 100 employees exported products last year. Ohio has become a major player in the world economy. In the words of the magazine's editor—

> This dispels the myth that Ohio is the capital of the Rust Belt. Ohio is one of the most progressive and forward thinking States in America in terms of export promotion.

Mr. Speaker, I am a long-time supporter of free trade and international competition. I cannot tell you how gratifying it is to see Ohio leading the country in the global marketplace. This is proof positive that protrade policies at the State and national levels are benefiting Ohio's workers.

FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, it appears that our appeals for a compassionate Congress are paying off. On Friday, it was announced that the Committee on Agriculture had reached some accord with the Speaker and that the food stamps will not be converted to a block grant. It remains as an entitlement with a cap. While the cap is a problem, nonetheless we have won a battle, but the war goes on.

The Committee on Economic and Educational Opportunity has proposed a radical change in the School Lunch and WIC Programs. If these changes stand, 275,000 women, infants and children will be removed from the WIC Program. Nutritious meals served to some 185,000 family day care centers

will be eliminated. School food programs will be reduced by $309 million. The Committee on Agriculture is to be commended for taking the first step in the right direction.

But, Mr. Speaker, we have many more battles to fight for the hungry in America. The war goes on.

□ 1415

COSPONSOR REGULATORY A-TO-Z BILL

(Mr. LATHAM asked was given permission to address the house for 1 minute and to revise and extend his remarks.)

Mr. LATHAM. Mr. Speaker, I rise today to introduce legislation requiring each committee of the House to report a comprehensive regulatory relief plan during this session of Congress.

We are currently in the process of considering the Contract With America's long-overdue regulatory relief and reform provisions.

However, we need a vehicle for addressing existing excessive regulations that are costing our States, cities, and businesses hundreds of billions of dollars. This bill will provide that vehicle, free of the arbitrary schedules of reauthorization bills.

Under this proposal, every Member of the House would have the opportunity to offer amendments to their committees' regulatory package in order to streamline or reduce the costs of existing regulations, eliminate or reduce unfunded Federal mandates, and apply cost-benefit analysis review to existing regulations.

In the tradition of openness of the A-to-Z spending cut plan, I call this bill the regulatory A-to-Z bill. I hope all Members will join me as a cosponsor of this comprehensive regulatory reform bill.

AS THE ROMANS DID

(Mr. FORBES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORBES. Mr. Speaker, Rome was not built in a day and the Washington bureaucracy will not be torn down in 100 days. While the President of the United States goes to foreign soil to criticize Members of this body, the Republican majority is making progress. We are working hard, we are keeping our promises and starting to change the way that Washington operates.

This week we continue to change the federal regulatory process.

For years, our small business sector has cried for an end to stifling regulations and arcane rules that hurt economic growth and kill jobs. We have heard those cries and we will deliver relief. We will create jobs and help the American people.

Next month we will continue to change Washington. We will end the cruel cycle of dependence and hopelessness by comprehensively reforming our welfare system.

RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 96 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 96

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed two hours equally divided among and controlled by the chairman and ranking minority members of the Committee on Commerce and the Committee on Science. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed ten hours and shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. DIAZ-BALART asked and was given permission to revise and extend his remarks, and to include extraneous material.)

Mr. DIAZ-BALART. Mr. Speaker, House Resolution 96 is a modified open rule providing for the consideration of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. The purpose of this legislation is to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules.

In addition to the 1 hour of debate on this rule, the rule provides for 2 hours of general debate, with 1 hour equally divided between and controlled by the chairman and ranking minority member of the Commerce Committee, and 1 hour equally divided between and controlled by the chairman and ranking minority member of the Science Committee.

After general debate is completed, the bill will be considered for amendment under the 5-minute rule, for a period of time not to exceed 10 hours. I would like to emphasize that any Member will have the opportunity to offer an amendment of the bill under the 5-minute rule. I believe this is a fair process, in that, again, it will allow any Member with a suggestion for improvement of this legislation, to bring it up for consideration by the full House in the form of an amendment.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, House Resolution 96 brings to the floor H.R. 1022, a bill which is the product of intense negotiations to reconcile the differences between bills marked up and reported out by the Committee on Science and the Committee on Commerce. Both committees had jurisdiction over title III of H.R. 9, the Job Creation and Wage Enhancement Act, and I believe that this compromise legislation is a balanced and appropriate vehicle for floor consideration for purposes of amendment to achieve the goal of setting a comprehensive risk assessment policy for the Federal Government.

This legislation, the Risk Assessment and Cost-Benefit Act of 1995, consists of six major provisions. Title I deals with presenting the public, and Federal executive branch decisionmakers, with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education. Title II requires Federal agencies to prepare information regarding costs and benefits for each major rule within a program designed to protect human health, safety, or the environment Title III establishes peer review requirements for rules that are likely to increase annual costs by $100 million and calls for the establishment of national peer-review panels to review agency practices concerning risk and cost assessments. Title IV sets up the applicable judicial review requirements. Title V requires each covered Federal agency to publish a plan concerning procedures for receiving and considering new information and revising risk assessments or rules where appropriate. And finally, title VI requires the President to issue biennial reports addressing risk reduction priorities among Federal regulatory programs designed to protect human health.

All too often, although well-intentioned, Federal regulatory costs are vastly out of proportion to the concerns that the regulations were meant to address.

Mr. Speaker, H.R. 1022 reforms the Federal regulatory process in a sound

and reasonable manner and will hopefully help us avoid some of the unintended consequences we have encountered in the past.

Mr. Speaker, I believe H.R. 1022 is a good bill, and I defer to the judgment of the chairmen of the committees that reported this bill, who have stated that 10 hours is ample time for the amendment process. If we work together in a spirit of cooperation and comity, and do not resort to dilatory tactics, we should be able to have a thoughtful amendment process to enable us to improve the bill from its current form, in necessary.

I strongly support the Risk Assessment and Cost-Benefit Act of 1995 and urge adoption of this open rule for its consideration.

□ 1430

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are opposed to this rule because it limits the amount of time allowed for considering amendments to the bill it makes in order, the Risk Assessment and Cost-Benefit Act of 1995. This is a very complex bill which many Members believe is seriously flawed, and the rule for its consideration ought to ensure that Members have an adequate amount of time to offer amendments which would improve it.

Mr. Speaker, we understand the desire of the majority to have H.R. 1022 considered in a timely manner. However, based on our experience during the last 2 weeks considering four bills which were also subject to a 10-hour limit on the amendment process, we can realistically expect that the actual amount of time spent debating amendments will be much less than 10 hours—somewhere between 6 and 8 hours.

During consideration of this rule in the Rules Committee on Friday, we offered an amendment to strike the 10-hour time limit on the amendment process, since it was our first preference not to have any limit at all. That amendment was rejected on a straight party-line vote.

We then offered an amendment to lengthen the time provided for the amendment process to 20 hours, the amount requested by the gentleman from Michigan, the ranking minority member of the Commerce Committee, Mr. DINGELL. If one-quarter to one-third of the time is likely to be consumed by voting, then actual time spent debating amendments would be between 12 and 16 hours. That amendment was also rejected on a party-line vote.

Finally, we offered an amendment to exclude time spent on recorded votes from the 10-hour limit. That change would have meant that there would actually be 10 hours in which to debate amendments, rather than 6 or 7 or 8. But that amendment, too, was rejected on a party-line vote.

As I said, the majority's desire to have a time limit on the offering of amendments is understandable, but their insistence on including in that limit the time it takes to hold recorded votes is not. Our request to exclude time spent on recorded votes was a very reasonable one which should have been accepted. Besides providing more opportunity to a greater number of Members to offer amendments, it would have made the arduous process of paring down and prioritizing amendments—which Members on both sides of the aisle are affected by—significantly less difficult.

Furthermore, if time spent on recorded votes is not excluded from the limit, sponsors of amendments are put in the uncomfortable position of having to choose between seeking a recorded vote, or foregoing that recorded vote in order to increase the likelihood that other Members will get a chance to offer their amendments. It is simply not fair to put Members in that position.

The argument that was made in the Rules Committee against excluding time spent voting from the 10-hour time limit was that such a change would encourage dilatory tactics—that opponents of the bill would call for recorded votes on every amendment. But, in fact, by not excluding voting time, a parliamentary tactic of another sort can be employed by the bill's proponents—and in fact, has been. Three times during consideration of amendments to the Regulatory Transition Act, Members who agreed with the outcome of the amendment on voice vote called for recorded votes in order to consume time alloted for considering amendments.

Partly as a result of that tactic, the amount of time spent actually debating amendments to the Regulatory Transition Act was only 6½ hours, and 15 Members who wanted to offer amendments were unable to do so.

Mr. Speaker, the time limit on the amendment process would not be quite so troubling to Members on our side of the aisle if it were not for the fact that the Risk Assessment and Cost-Benefit Act, like many of the other Contract With America bills, did not receive adequate consideration prior to floor consideration.

This is a bill which makes extremely far-reaching changes in the Federal regulatory process. Yet the Science Committee, which has principal jurisdiction over the bill, dispensed with subcommittee hearings and markup entirely, and held just 2 days of hearings at the full committee level.

The committee began markup of the bill 3 days after the hearings, before the committee had received many of the agency responses it had requested analyzing the impact of the bill and responding to questions asked by witnesses. And, the chairman of the committee presented extensive amendments changing the scope and application of the bill at markup, without giving other Members any time to prepare amendments in response.

The other committee of jurisdiction, Commerce, also dispensed with subcommittee hearings and markup, and held just 2 days of hearings at the full committee level. The committee began markup 5 days after the hearings, without giving minority members a copy of the markup vehicle until the day before they began amending the bill. That left members on that committee, as well, without sufficient opportunity to prepare amendments.

In addition, the bill that this rule makes in order is not the version of the legislation that either committee reported—it is a version that was introduced just last Thursday, which neither of the ranking minority members had adequate opportunity to review prior to testifying at our Rules Committee hearing on Friday.

The tragedy of this hasty and deficient committee process is that it contributed to the loss of an opportunity to bring to the floor a more reasonable and rational regulatory reform bill which would have had the support of virtually the entire membership.

We all agree that better use of risk assessment, cost-benefit analysis, and peer review could help make the regulatory process more rational, efficient, and cost-effective, and would result in regulations that are less expensive and less onerous to comply with. A great deal of work toward that end was done by the Science Committee in past Congresses under its former chairman, now the ranking minority member, the gentleman from California [Mr. BROWN].

However, the bill before us is an ill-considered piece of legislation that will have widespread unintended consequences and make legitimate regulation much more difficult. In its present form, it would: Set up a cumbersome and costly procedural maze which is likely to require more Federal employees and agency costs at a time we are trying to downsize the Federal bureaucracy—by imposing a whole new set of regulatory requirements on top of existing ones which are already too complex; invite massive amounts of new litigation; establish a nonscientific process of comparative-risk analysis; permit peer review panels to be dominated by scientists who have financial conflicts of interest; and impose an inflexible and unrealistic requirement that agencies certify that benefits outweigh costs before issuing final rules.

Particularly troubling is the fact that the bill's decision criteria for issuing rules would supercede such requirements in existing health, safety, and environmental laws. By applying these new requirements to such laws as the Clean Air and Clean Water Acts, this legislation threatens to overturn the important health protections citizens have under those laws.

Fortunately, in the course of consideration of this bill, we shall have the opportunity to change many of its most worrisome features. Several worthwhile amendments will be offered and, we hope, adopted. A complete substitute, offered by Mr. BROWN of California and Mr. BROWN of Ohio, would cure all of the bill's most serious problems, and we hope that Members from both sides of the aisle will give it their support.

Mr. Speaker, again, we oppose this rule because of the restriction it imposes on the amount of time allowed for the amendment process, and I urge Members to vote ''no'' on it.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida [Mr. DIAZ-BALART] for yielding me this time, and I want to commend him for the great job he does as a new and a very valuable member of the Committee on Rules. He really is producing results.

Mr. Speaker, I rise today in support of another open rule from the Committee on Rules. I rise further to enthusiastically support this bill, the Risk Assessment and Cost Benefit Act of 1995.

This bill is the third in the Republican five-part series of bills to reform the Government's byzantine regulatory system. Later this week the House will take up H.R. 926, the Regulatory Reform and Relief Act. And then it will take up H.R. 925, the Private Property Protection Act, which I helped to write, and which I am so proud of.

Mr. Speaker, legislation like the measure before us today is exactly why you and I, Mr. Speaker, came to this Congress back in 1978.

In fact, the Clinton administration has substantially increased the number of wacky Federal regulations, and they have opposed our efforts over the last 2 weeks to reform the regulatory process.

Mr. Speaker, this bill requires risk assessment and cost-benefit analysis on regulations contemplated by Federal agencies. It is as simple as that. All too often Federal rules are promulgated with faulty science or, even worse, with political objectives in mind. This legislation sets forth the very scientific principles that must be adhered to in the conduct of the rulemaking process. In my upstate New York district, regulations that were developed with no regard to scientific evidence are threatening to close paper mills that employ thousands of people in the Glens Falls and other upstate regions. The EPA-proposed cluster rules, which set emission standards for the pulp and paper industry, could have been a much improved regulatory product had a cost-benefit analysis been conducted, but it was not.

Mr. Speaker, regulations to implement the Safe Drinking Water Act sound great, do they not? But in my district, they are yet another example of the regulatory chokehold the bureaucracy has on this Nation. Just listen to this: The cost to the small towns in my district is astronomical. The town of Keene, NY, with only 209 water users, has got to come up with a half-million dollars under the new regulation. The village of Lake Placid, with 2,485 users, $4.2 million. Where are they going to get the money from? And the village of Lake George, with only 933 users, $5 million. Boy, I just wonder where all this comes from. Mr. Speaker, this is outrageous, considering there has not been a waterborne disease in Lake Placid in over 50 years.

Mr. Speaker, unemployment in my area is twice the level of that of the State of New York, and my district cannot afford any more of these ill-conceived, ridiculous regulations. They have got to be stopped. The Republican Congress is about to turn the tables on the regulators in Washington.

For years business and industry have been forced to jump through hoops to satisfy regulators in the bureaucracy. Well, if this legislation becomes law, we are going to turn that around.

The executive branch in the future will be forced to jump through those same hoops, conducting commonsense studies before they can saddle business and industry and local governments with these kinds of ridiculous regulations.

The rule to provide for consideration of this dramatic reform pill is an open rule allowing for a 10-hour amendment process. This type of time capsule encourages Members to organize with their colleagues in advance and consult with their respective leaderships on which amendments should be offered inside the 10 hours.

The minority leader, the gentleman from Missouri [Mr. GEPHARDT], supports this kind of concept. He said so before our joint committee on reform task force. Such a time capsule allows for a fair and open amendment process within the time constraints made necessary by our ambitious agenda which was endorsed at the polls last November.

Mr. Speaker, I have said it before on this floor, but with each passing week, there is new evidence to support my assertion that a bipartisan coalition in this House is implementing the second Reagan Revolution. There have been large Democrat votes in this Congress in favor of such monumental reforms as the balanced budget amendment, the line-item veto, meaningful crime bills, and the regulatory moratorium bill just last week which passed the House by a vote of 276 to 146. A lot of good conservative Democrats voted for it on a bipartisan basis.

Mr. Speaker, I fully expect the same bipartisan group to come together and pass this piece of legislation. I urge support for the rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Speaker, last week the House passed H.R. 450, placing a temporary hold on Government regulations until commonsense risk assessment and cost-benefit analysis is passed and signed into law. As the ranking member on the subcommittee that drafted the regulatory moratorium legislation, I believe that our current regulatory process has become unworkable most of the time. The current process is too often made up of senseless rules and regulations that cost us time and money without producing a benefit.

Today we will consider and vote on H.R. 1022, a viable risk assessment bill which is the first step towards the lifting of the moratorium. H.R. 1022 is a commonsense approach to risk assessment that is essential to tangible and effective regulatory reform. Not only does H.R. 1022 make the regulatory process more reasonable by forcing Federal agencies to use sound science and practical common sense, but it also requires Government agencies to prioritize regulations, so that the most critical health and environmental risks are addressed first.

I speak for several of my Democrat colleagues who support this bill, and I can firmly say we support the rule and support H.R. 1022 in it's present form. If we were in charge of writing risk assessment legislation, I can say that we may have not drafted the bill exactly as it is, however, H.R. 1022 is a good start, and we do support this basic approach to risk assessment.

Some of my colleagues are arguing that enough time has not been given for adequate consideration of H.R. 1022. This is simply not the case. When we debated H.R. 450 last week, we had 1 hour less than has been given today for H.R. 1022. The time given last week for the regulatory moratorium was more than enough for thorough consideration. Furthermore, the truth of the matter is that those disputing the rule, will oppose this bill regardless of the amount of debate or with any amendments.

Again, last week the House passed a moratorium on Federal regulations as a first step to achieving commonsense regulatory reform. H.R. 1022 is the next critical step to more sensible and rational regulation. This bill lays the groundwork for what the American people have requisitioned Congress to do. The American people want the Federal Government out of their lives. I urge my colleagues to support the rule and vote for final passage of H.R. 1022 without amendments.

□ 1445

Mr. DIAZ-BALART. Mr. Speaker, I yield 4 minutes to the distinguished chairman of the Committee on Science, the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding this time to me.

Mr. Speaker, I rise in support of this rule to provide consideration of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

This legislation is an important part of the regulatory reform package which the House began debating last week. Over 15 years ago, the first risk assessment bill was introduced in this House by our former colleague, Don Ritter. Since that time, Congress has held over 22 hearings on this subject. In this body, 10 of these hearings have been in the Committee on Science, 4 in the Committee on Commerce, 2 in the Committee on Government Reform and Oversight, and 2 in the Committee on Economic and Educational Opportunities.

Last year, the Committee on Science marked up and reported the Risk Assessment Improvement Act of 1994. Many of the provisions of title I of the bill we will debate today were contained in that act and were later added to the Environmental Technologies Act.

In fact, I have a chart here of where we were with the bill that was in the 103d Congress and where we are with the present bill.

You will see that the bills in many ways are very, very close. So, therefore, we are not talking about new subject matter, by any stretch of the imagination. The amendment which set forth the principles of risk assessment and risk characterization was passed by the House by a vote of 286 to 139. Because they were strong and meaningful guidelines, however, these principles were not enacted.

Today, after 15 years of debate and 15 years of study, it is time to act. In fact, I was amazed to hear all of the talk in the Committee on Rules the other day when testifying about the need to do this. The fact is something has gone terribly wrong in our regulatory structure, and we need to do something about it. And Member after Member, on both sides of the issue, came up and said we have to do something about it.

Well, the fact is we have gone 40 years. The regulatory system in this country has become a nightmare, and we have done nothing.

Now, when we attempt to do something, some members of the Committee on the Rules and others come to the House floor and suggest, ''We have got to do something, but now is not the time. The hearings that were held were too quick; we can't do it in 10 hours of debate.''

I am fascinated by the 10-hour debate argument because when I looked back, I found out on House Resolution 299 in the previous Congress, we were told at that point that 1 hour of general debate and 4 hours of amendment process was in fact—now, get this—it was an open rule.

According to a gentleman on the other side of the aisle, a member of the majority party at that time, he said that is an open rule. He said, ''After careful consideration the Committee on Rules granted this time limit request that is both fair and reasonable.''

Now imagine that. We come out here with 10 hours, and we are told somehow this is a horrible problem being visited upon the minority. The gentleman who made that statement in the last Congress was none other than Mr. BEILENSON, who is handling the bill before us at this time. He called that an open rule, 4 hours of debate, and he said it was fair and reasonable.

Now, the question is whether or not 2½ times that amount of time is even more fair and reasonable.

I think it is, particularly given the magnitude of the bill that we have before us.

What people have come to the conclusion across this country is that it is time to rationalize our regulatory process. Our constituents understand that risk is a part of everyday life. It is a phenomenon which had confronted mankind since the beginning. Most are willing to accept the fact of risk. It is time to use good science to ensure that the regulatory burden we impose on the American people provides them with the protection from real hazards, not the exaggerated risks of the zero-tolerance crowd.

Mr. Speaker, I support this resolution. It is time to get on with the debate, and I congratulate the gentleman from Florida [Mr. DIAZ-BALART] for bringing it forward.

Mr. BEILENSON. Mr. Speaker, for purposes of debate, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. DINGELL], the ranking minority member on the Committee on Commerce.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. I thank the gentleman for yielding this time to me.

Mr. Speaker, the claims of bipartisanship are extraordinary here. And they are completely unfounded. Mr. Speaker, there is a wonderful story I told my good friend, the gentleman from New York [Mr. SOLOMON], at the Committee on Rules about a stew which was abominable in taste and appearance. The customer said, ''This is horrible. I want to talk to the cook.'' The cook came out and he said, ''What kind of stew is it?'' The cook said, ''It is one-horse, one-rabbit stew.'' The guy said, ''that is remarkable. What is the recipe?'' He said, ''Very simple. Equal parts, one horse, one rabbit.''

That is the kind of bipartisanship you are seeing today.

Frankly, I would be ashamed to present this bill to the House of Representatives. The rule does little to rectify the abuses and the failures that have taken place procedurally with regard to the presentation of this legislation.

First of all, the inadequate hearings; second of all, inadequate notice; third of all, total inability for the people to understand what is in it.

Next, total misunderstanding on the part of my colleagues over here on the other side of the aisle as to what this legislation does or how it is going to work or what its impact is going to be.

This legislation drips unintended and unforeseen consequences. No one here knows or understands what are going to be the consequences of this legislation.

The process that we are embarked upon is bottomed on a careless, sloppy, slovenly, partisan and irresponsible legislative process. It is done in a way which has precluded intelligent participation on the part of all the Members.

I think the greatest complaint that the people of the United States are going to have with this particular piece of legislation when they have had a chance to observe what has happened is the fact that they have never been brought into the process.

The legislation we have before us was never the subject of hearings, there has been no open discussion amongst the Members. What has happened is that the chairmen of the two committees, the gentleman from Virginia [Mr. BLILEY] and the gentleman from Pennsylvania [Mr. WALKER], have had a series of meetings somewhere, where they have quietly, without attention or notice to any individual, come up with changes to the bill.

Now, ostensibly these changes would correct abuses which my colleagues found. But they never consulted with anybody about what the abuses were. And they never consulted with the members of the committee on both sides of the aisle as to what were the failures or the defects in this legislation.

Now, the art of Federal regulation is really a constitutional exercise. It is something which is required to meet both the requirements of statutes as set forth in the Administrative Procedures Act, which is actually a codification of the constitutional requirements of due process, and the provisions of the Constitution, which sets forth the right of every American to be heard in connection with the regulatory processes of this Government.

It is interesting to note that no consideration has been given as to whether the affected regulations are good or bad, whether they need to be adopted or whether they do not, whether there is, in fact, an emergency; whether, in fact, there is some urgent need for the legislation from the standpoint of consumers or environmentalists; or from the standpoint of the American business community.

The moratorium passed last week is going to preclude the adoption of many regulations which are desperately needed by American business. One of the interesting things it would probably do is preclude the sale of about $6.9 billion in licenses to the American telecommunications industry, something which is of great urgency to

them and upon which American competitiveness, not only in the field of the telecommunications but elsewhere, is heavily dependent. My colleagues over there have never paid appreciable heed to that and were probably vastly surprised on this point the other day when considering the same question.

Similarly, this legislation today has the potential for preventing the duck season from going forward in the fall. And to deal with other important matters of public business where American industry desperately needs relief from regulations now in place or where it needs regulations which would permit it to better compete around the world.

I would think that if we are to adopt a rule today, we ought at least not kid ourselves. We ought not tell ourselves, nor should we tell the American people, that this legislation has been heard, that its authors know what it does or that the Committee on Rules, in putting it on the floor, is honoring the practices and tradition which make for responsible and careful legislation that does not carry dangerous future surprises for the American people.

Mr. DIAZ-BELART. Mr. Speaker, I yield 3 minutes to the distinguished chairman of the Committee on Commerce, the gentleman from Virginia [Mr. BLILEY].

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Speaker, I rise in support of the rule to accompany H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

I want to commend Chairman SOLOMON and the Rules Committee for bringing forward an open rule that will allow an honest and open debate of this part of our Contract With America.

Such open rules have not been the custom of the Rules Committee under Democratic leadership. In the 103d Congress, for example, the Rules Committee granted open rules less than half the time.

Let me point out some recent examples of the abuse that came from this practice. In the 103d Congress, proponents of risk assessment and cost-benefit legislation were denied a vote on the Thurman-Mica risk and cost-benefit amendment to the bill to elevate EPA to Cabinet-level status. The Rules Committee issued a restrictive rule, despite the fact that the Senate approved similar risk and cost-benefit amendments to EPA Cabinet legislation by a vote of 95 to 3. This restrictive rule was defeated by a vote of 227 to 191, and the EPA Cabinet legislation was never brought to the House floor.

With respect to Superfund in the 103d Congress, the Rules Committee received proposed amendments in early August of last year, but never issued a rule, and the Democrats never brought Superfund to the floor. One amendment of concern to the Rules Committee was a cost-benefit supermandate proposed by Representatives GEREN, CONDIT, SHUSTER, and MICA. That amendment stated: ''Notwithstanding any other provision of this Act, the incremental costs shall be reasonably related to the incremental benefits.'' The power of this commonsense amendment struck fear into the Federal bureaucracy and its allies in Congress. Rather than allow the will of the working majority to prevail, the Rules Committee decided not bring the Superfund legislation to the floor.

Today we bring legislation to place Federal regulatory programs on a more sound footing. The Risk Assessment and Cost-Benefit Act of 1995 requires objective and unbiased risk assessment and careful analysis of regulatory alternatives. This legislation is long overdue. We cannot continue the incredible expansion of the regulatory octopus into the business of State and local governments and the regulated community. Furthermore, we must restore credibility to the regulatory process.

Some oppose these changes in favor of the status quo. Under this open rule, we can debate amendments from either side. I urge my colleagues to support this rule to provide for consideration of important regulatory reforms, an important part of our Contract With America.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the distinguished ranking member of the Committee on Rules, the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. I thank the gentleman for yielding this time to me.

Mr. Speaker, today we are looking at another restrictive rule and this one prevents Democrats from offering amendments to another Republican attack on our country's health, safety, and environmental laws.

Mr. Speaker, my Republican colleagues promised a lot of open rules and they are not keeping their promise.

They said all of the contract items would be brought up under open rules. Mr. Speaker, only 5 out of 14 contract items have been brought up under open rules, the rest have been restrictive.

And Republicans promised that they would grant 70 percent open rules. But, so far, less than 30 percent of the rules and procedures they have brought up so far have been open.

I think my Republican colleagues are finding out that governing is a lot harder than it looks.

And today's bill is another example. As I said up in the Rules Committee, this bill creates an expensive, bureaucratic mess, and will only end up endangering American families.

And it is not cheap. CBO estimates that this bill will cost at least $250 million every year, or over 1.6 million school lunches. That's a lot of peanut butter sandwiches to waste.

Once again we are looking at a badly drafted, wide-ranging Republican bill that Members will not be able to amend because of the 7-hour time cap.

I say 7-hour time cap because Republican time caps include votes—so, 10 hours is really only 7 hours, and dozens of Members end up being shut out of the process.

□ 1500

Mr. Speaker, I am submitting under leave to include extraneous matter a list of Members who were precluded from speaking under this so-called open rule.

There have been 10 Members on the law enforcement block grants who were precluded from speaking under a so-called open rule, a rule just like this. There were eight Members who were precluded from speaking under the National Security Revitalization Act under a rule just like this. Fifteen Members were precluded from speaking on a regulatory moratorium.

Mr. Speaker, the material I am including is as follows:

Amount of Time Spent on Voting Under the Three Restrictive Time Cap Procedures in the 104th Congress

Bill No.	Bill title	Roll calls	Time spent	Time on amends
H.R. 667	Violent Criminal Incarceration Act.	8	2 hrs, 40 min	7 hrs, 20 min.
H.R. 728	Block grants.	7	2 hrs, 20 min	7 hrs. 40 min.
H.R. 7	National security revitatlization.	11	3 hrs, 40 min	6 hrs, 20 min.
H.R. 450	Regulatory moratorium.	13	3 hrs, 30 min	6 hrs, 30 min.

Members Shut out by the 10 hour Time Cap 104th Congress:

This is a list of Members who were not allowed to offer amendments to major legislation because the 10 hour time cap on amendments had expired. These amendments were also pre-printed in the CONGRESSIONAL RECORD. There may be other Members who did not pre-print their amendments but who were nonetheless shut out of the process because the cap time had expired.

H.R. 728—Law Enforcement Block Grants—10 Members.

Mr. Bereuter, Mr. Kasich, Ms. Jackson-Lee, Mr. Stupak, Mr. Serrano, Mr. Watt, Ms. Waters, Mr. Wise, Ms. Furse, Mr. Fields.

H.R. 7—National Security Revitalization Act—8 Members.

Ms. Lofgren, Mr. Bereuter, Mr. Bonior, Mr. Meehan, Mr. Sanders(2), Mr. Schiff, Ms. Schroeder, Ms. Waters.

H.R. 450—Regulatory Moratorium—15 Members.

Mr. Towns, Bentsen, Volkmer, Markey, Moran, Fields, Abercrombie, Richardson, Traficant, Mfume, Collins, Cooley, Hansen, Radanovich, Schiff.

Mr. Speaker, I urge my colleagues to oppose this rule. Members need a chance to fix this bill and protect American families from another risky waste of money.

Mr. SOLOMON. Mr. Speaker, would my very good friend please yield to me?

Mr. MOAKLEY. To my very good friend, yes, I will yield.

Mr. SOLOMON. Mr. Speaker, to my very good friend from Boston, let me say that I hope the weather is better in Boston than it is in New York. I just flew in in an awful storm, and I am still a little upset.

I was just reading the gentleman's remarks, and may I quote? It says here, ''Mr. Speaker, House Resolution 562 is an open rule. I urge its adoption.''

That was on the American Heritage Act on October 5, which gave us 1 hour of debate and only 3 hours on this huge complex bill.

I say to the gentleman one more time, you never had it so good. We are treating you twice as fairly as you treated us. Never in the history of this Congress has a minority been treated as fairly as we are treating you.

Mr. MOAKLEY. Mr. Speaker, I take back my time.

I say to the gentleman from New York [Mr. SOLOMON], you said that would never happen again. You said you were going to come forward with open rules so everybody could fully participate. I say to the gentleman, if you want to emulate our Congress, fine, but I thought you were coming in with a new broom, that you were going to sweep clean and give all open rules. This was going to be a new Congress. You said that, and Mr. GINGRICH said that.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. MOAKLEY. I am glad to yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, what the gentleman is telling us is that even though the gentleman from New York, the day after we were sworn in, said we would have all these open rules, we are really not having them. These are not open rules. I say to the gentleman from Massachusetts, we do not have open rules at all, do we?

The SPEAKER pro tempore (Mr. BEREUTER). The time of the gentleman from Massachusetts [Mr. MOAKLEY] has expired.

Mr. BEILENSON. Mr. Speaker, I yield 1 additional minute to the gentleman from Massachusetts [Mr. MOAKLEY].

Mr. MOAKLEY. In fact, Mr. Speaker, in every one of the rules we granted, that 4-hour rule, we had time left over. So nobody was precluded.

Mr. SOLOMON. Mr. Speaker, if the gentleman will yield, I should hope so. We do not need to waste all those words.

Mr. VOLKMER. Mr. Speaker, if the gentleman will yield further, on the bill just last week, we had Members who could not offer amendments. We had Members on the crime bill that could not offer amendments.

What the gentleman is saying is this: They are saying that it is necessary to reduce the time that Members can speak in order to meet the 100 days, in order to get this legislation through, and the heck with individual Members and their ideas. They are saying they are not going to let them voice their ideas on separate bills. That is what they are saying.

Mr. MOAKLEY. Mr. Speaker, I say to the gentleman in the Chair that he knew personally about this. I say to the gentleman, you were frozen out. You had a preprinted amendment and you could not get your amendment on the floor under this so-called open rule. So I do have to convince you, but I think the other Members on the other side of the aisle should really take a look at what they are doing. The reason we have had so many closed rules is because the definition of closed rules was written by my very dear friend, the chairman of the Rules Committee, the gentleman from New York [Mr. SOLOMON].

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I know some antics can somehow get some very clear things confused. We are all trying to focus in on the words that were stated before when it was stated in the last session by our colleagues on the other side that we had 4 hours of debate without restricting what amendments could be introduced, and during those 4 hours it was all an open rule, and today we are permitting in addition to the 3 hours for the rule and the 2 hours for general debate, in other words, 1 plus 2 and 3 hours, we are permitting 10 hours for amendments, and now our colleagues are saying that that is not open.

I think either it is unclear or there is an element of unfairness.

Beyond that, at this point, Mr. Speaker, what I would like to do is yield 1 minute to a distinguished new Member of the House, the gentlewoman from California [Mrs. SEASTRAND], a member of the Committee on Science.

(Mrs. SEASTRAND asked and was given permission to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, I rise today in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Act.

For too long we have stood by and watched the regulatory monster engulf the small businessman and woman and the entrepreneur. In just 2 years, the Clinton administration has added 126,580 pages of regulations to the Federal Register. This is more than any other President since the last 2 years of the Carter administration.

Federal regulations cost our country hundreds of billions of dollars every year. For weeks now we have heard opponents of risk assessment argue that it will create additional bureaucracies and cost more money. I do not believe either is the case.

What bothers Federal agencies about this legislation is that it will slow down the promulgation of burdensome regulations and save money. Risk assessment legislation will dramatically reduce the overall costs to society. Why shouldn't Federal agencies be required to justify choosing a costly $150 million solution to a problem that could be solved by a $10 million solution with the same benefits?

Mr. Speaker, sound regulations are necessary to protect health, safety, and the environment. This legislation will ensure that regulations are in fact sound.

Mr. BEILENSON. Mr. Speaker, for the purposes of debate only, I yield 2 minutes to the gentleman from Pennsylvania [Mr. DOYLE].

Mr. DOYLE. Mr. Speaker, I rise today as a Member who has supported the regulatory reform embodied in H.R. 9. Clearly, the time has come for a thorough examination of our regulatory structure and the scientific methods we use to make judgments about protecting public health and safety. The use of consistent, state-of-the-art science is a long overdue remedy for the plague of unnecessary and burdensome Government regulation.

I am pleased that this issue is receiving the attention it deserves; however, I must express my dissatisfaction with the way in which the Congress has considered this legislation. In the Science Committee markup of this bill, members were not given the bill text until an hour after the markup was scheduled to start. Members were then given less than 2 hours to redraft their amendments to a bill that bore little resemblance to the original draft of title III of H.R. 9. We then spent the ensuing 10 hours marking up title III, at the same time that Commerce Committee was marking up the same title.

Now, I have to wonder why either committee bothered marking up the bill at all. The bill we are considering here today has dropped language that was reported by both committees and now contains totally new language that has not been reviewed by either committee. These are not small technical subsections we are talking about, Mr. Speaker, there are some of the most important elements of this legislation, such as the judicial review provisions, which have been redrafted at the last minute with no substantive review.

Among the new issues that concern me the most are the inclusion of permits in the scope of this bill's requirements. Most of these permits are State-issued. Are we now requiring the States to perform risk assessment and cost-benefit analysis on all their permitting? Mr. Speaker, that would seem to me to be an unfunded mandate. I would be more certain of this if we had had the opportunity to review this concern in committee, but since permits weren't mentioned in the bill we marked up, this issue remains unresolved.

I sincerely believe that is the goal of Members on both sides of the aisle to make true progress toward easing the control of a distant Washington bureaucracy. In order to accomplish this, many of us on this side joined with majority in passing important unfunded mandates legislation. Now, through either carelessness or hypocrisy, we may be imposing many new burdens on State and local government. This rule provides for a mere 10 hours consideration of new, highly technical language

that will impact every economic sector. This is no way to govern, I urge opposition to the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio [Mr. OXLEY], chairman of a subcommittee of the Committee on Commerce.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Speaker, I rise in support of the rule to accompany H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

With the adoption of this rule, the House will take another important step toward implementing in the manner in which the Federal Government writes regulations to protect the public from certain health, safety, and environmental risks.

I remind my colleagues that we have been working on this legislation for several years. In the previous Congress, we had a number of hearings on risk assessment and cost-benefit reforms. In 1993, the Senate passed risk assessment and cost-benefit language in the form of the so-called Johnson amendment by 90 votes.

In early 1994, a bipartisan coalition of House Members defeated a restrictive rule that would not allow for consideration of similar amendments by a vote 227 to 191. Later in the year, the Walker amendment, which provided language requiring objective and unbiased risk assessments and comparisons, passed the House by a vote of 286 to 189.

The criticism of the rule before us today is ironic when I remember how Superfund legislation was handled in the previous Congress.

Last year, the Commerce Committee, with full administration support, passed a national risk protocol for Superfund and language requiring that the presentation of risk information be objective and unbiased. Those provisions created judicially reviewable and enforceable requirements.

Yet that legislation went nowhere, because the Rules Committee would not issue a rule for fear that risk and cost-benefit amendments would be approved on the House floor.

That is why I applaud the Rules Committee under Chairman SOLOMON's leadership for bringing forward this rule to allow open debate on risk assessment and cost-benefit legislation.

I acknowledge that some differences remain today among Members of the House. There are differences on the threshold for regulations that should be subject to this legislation; there are differences on whether the requirements of this legislation should be judicially reviewable; and there are differences on whether the requirements of this bill should apply to existing regulations.

The proposed rule provides sufficient time and opportunity to debate these differences and I urge my colleagues to support the rule.

□ 1515

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished gentleman from California [Mr. BROWN], the ranking member of the Committee on Science.

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I am ambivalent about this rule. I think we need considerably more time than is available to thoroughly debate this bill. On the other hand, it does not vary too much from previous bills and future bills that we are going to have.

My problem with the bill so far has been the procedures by which it was brought to the floor, which have been commented on with great eloquence by my friend, the gentleman from Michigan [Mr. DINGELL], and others. I think everyone would agree it is not legislative craftsmanship to present legislation to committees or to the floor which have not been adequately considered, to have only the briefest of hearings on legislation, and not have a full exploration of all of the implications.

My good friend, the gentleman from Pennsylvania [Mr. WALKER], compared this bill to the risk assessment bill that we had last year, pointing out that we only had 4 hours on that bill, whereas we are getting 10 hours here.

What needs to be said, and I hoped the gentleman from Pennsylvania [Mr. WALKER] would mention this, is that last year's bill was only one title of the six that are contained in this bill; that it related only to risk assessment for EPA. This includes many more aspects of regulatory control, including risk-assessment characterization, cost-benefit analysis, peer review, and a number of other things, and applies it to 12 different departments of the Government.

We have asked for reports from those departments as to the impact on them, and we have not received those reports. We need to explore what that impact is on these others, including the Nuclear Regulatory Commission and the Corps of Engineers. We do not have that information, and it needs to be discussed at great length.

We all agree that regulatory reform needs to be done. The gentleman from Pennsylvania [Mr. WALKER] pointed out that we have had 15 hearings on risk assessment, for example, 10 of them in the committee which he now chairs. I will say to you that I have been the author or coauthor of all of these bills, including the initial one the gentleman referred to brought by Mr. Ritter. I have tried to focus my best efforts on the issue of focusing the science of risk assessment.

Unfortunately, I failed. It is not because we did not try. We have gotten bills to the floor and passed. We have actually made good progress. There is no disagreement. The President has announced within the last week a comprehensive regulatory reform program which includes most of the things included in this bill.

What I fear, Mr. Speaker, is that in this particular bill we are asking for more than can be delivered from the existing state of the science of risk assessment and cost-benefit analysis. In doing so, we are going to add to the complexity, make regulation more difficult, make it more costly, and the old adage applies, ''Be careful what you ask for, you may get it.'' Because that is the situation we are in at the present time.

Most Democrats would like to support this bill if it were properly drafted. We do not think it is. We will have a substitute which we think includes all of the good parts of the bill, and leaves out those parts which will cause trouble in the future. I am going to urge all of my friends on both sides to support the substitute, to give it thorough consideration. I think they will find it is a bill that the Senate would pass and the President would sign. The present vehicle before us meets neither of these criteria, and it would, in fact, be a horror, a tremendous imposition upon the American business community which you would hear a great deal from your constituents about in the near term.

Mr. Speaker, my comments are directed less at this rule and more at the process which has brought us here today. For over 30 years, I have served in Congress and have been proud to have participated in a number of historic debates in this institution. I have both supported and opposed the status quo and joined and opposed Members of the other party, and my own party, in these efforts. But at the end of the day, win or lose, I have always felt some pride in the work that had taken place here.

Today, as we consider this legislation, I no longer feel that pride. In reviewing the progress of this bill, I do not feel that the public interest is being served, in either the content or the course of this bill. From the start of this bill's consideration in committee through today's action on the floor, I have felt as though adherence to an arbitrary schedule and the need to punch tickets to mark legislation's progress makes this place more like a railroad than the greatest deliberative body in the world. And, believe me, I have been railroaded by the best of both parties over the years as I have taken principled but unpopular positions.

But what specific problems do I have with this process? First, subcommittee hearings and markups were dispensed with. Initially, the chairman proposed a single day of full committee hearings, to be composed of a single panel of witnesses sympathetic to the bill. Administration requests to testify were rejected until we were forced to ask for a second day of hearings, as provided by the House rules, to ensure a more balanced hearing process.

Then, the redraft of title III of H.R. 9, the precursor of H.R. 1022, was written behind closed doors and without any input from Democratic Members. At full committee, this redraft was presented as a chairman's en bloc

amendment the evening before the full committee markup. Our staff had received a set of the chairman's proposed amendments labeled ''draft'' the night before the markup, but we did not get the final version until the day of the markup. Then, in markup when Members protested this process, the chairman decided to change his series of en bloc amendments into an entire substitute. The markup was suspended for 2 hours while we read the substitute, tried to understand its implications, and then drafted amendments to it. A request for a 1-day postponement of the markup was refused by the chairman, on the grounds that the bill was scheduled for consideration on the House floor the following week. This was not the case.

After both the Science Committee and Commerce Committee acted on February 9 to meet this hurried schedule, we waited while the two committee texts were merged. We waited for 2 weeks, until February 23, when the new text was introduced as H.R. 1022. The new text was changed substantially from the reported bills and we have spent the weekend trying to understand again what the impact of this legislation is. Now it is on the floor, while many of our colleagues are not even here, apparently hurried up again to meet some arbitrary deadline.

I would remind my colleagues that the legislation we are discussing is not some simple commemorative bill. H.R. 1022 proposes to fundamentally change the direction of the Federal regulatory system, in ways that even the authors of the bill cannot understand. Last week we considered and passed a temporary regulatory moratorium. This bill will, in effect, become permanent regulatory moratorium, by virtue of its complexity, ambiguity, and cost.

This bill adds hundreds of millions of dollars in costs to the Federal Government—the Congressional Budget Office's limited estimate is $250 million—imposes unfunded mandates of the same order of magnitude on State regulatory permitting agencies, and imposes mandates on industry to produce the scientific data to feed the process created in this bill. Yet, we have no clear idea what the scope of these costs is. We are only told that the costs must be absorbed by the regulatory agencies, already underfunded for their current work load. A simpler, more effective bill could improve regulations. This bill will do the opposite.

There are a host of other questions raised, but not answered by H.R. 1022. For example, the bill has been rewritten from its original form to include many special exemptions and carve-outs for specific industries. What are the impact of those changes? We do not know.

The bill overrides unspecified provisions of existing law. The final list of which laws and which provisions have been overridden is unknown. Even Members of the other side have stated that the committee is unable to identify which provisions of existing law would be affected, much less knowing in what fashion. A partial list of affected statutes includes the Endangered Species Act, the Federal Insecticide, Fungicide and Rodenticide Act [FIFRA], the Federal Food, Drug, and Cosmetic Act, the Clean Air Act, the Resource Conservation and Recovery Act [RCRA]: in short most of the environmental laws of the country. Does the bill pick up other statutes such as the Americans with Disabilities Act? We simply do not know.

I could go on, but we will be hearing more about the specifics of this bill during the debate. I just want to make the point that this is a very complicated and serious bill we are discussing and we do not understand its impact. Worse yet, the leadership on the other side, judging by their actions, is not even interested in taking the time to explore the impacts. Their main interest is in meeting their 100-day schedule for their contract.

So as with other bills in recent weeks that have moved without full disclosure, we must again take to the floor to try to explore the effects of this complex bill during the course of the amendment process. Yet even this process is narrowed by an arbitrary limit on debate designed to make the legislative trains run on time. So, I will object to this process, make the best use of the time we have, try to fix some of the worst parts of this bill, and hope that the public forgives us since we know not what we do.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS], the distinguished chairman of the Subcommittee on Health and Environment.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the rule. H.R. 1022 is an important piece of legislation, and I know many Members have a strong interest in it. That is why the Commerce Committee and the Science Committee requested an open rule—to give Members the opportunity to offer amendments to this legislation on the Floor of the House. The rule before us was crafted to provide time for thorough discussion of these issues.

Some of my colleagues argue that we are proceeding too swiftly. However, I believe that the regulatory horror stories which we have all heard suggest that Congress has waited far too long to establish accountability in Federal regulatory programs.

Mr. Speaker, the issues addressed in this legislation are not new. My colleague and friend Mr. MOORHEAD of California introduced risk assessment legislation in the last Congress, legislation that now forms the basis for title I of H.R. 1022. A hearing was held on that bill in the Commerce Committee in 1993, and similar provisions were included in environmental legislation which was approved by the committee in the 103d Congress.

The risk assessment bills passed by the Commerce and Science Committees have been available for nearly 3 weeks. As soon as the differences between the two bills were reconciled last week, the compromise language was made available to all Members. In large part, the compromise language merely reflects the provisions already approved and made public in the separate committee versions.

I hope that we will be able to pass this bill sometime tomorrow with broad bipartisan support. We did pick up some support from our friends on the other side of the aisle during the Commerce Committee markup, and it is my impression that there are a number of others who would like to support the bill. Hopefully, the compromises we reached with the Science Committee will help to bring more of my democratic colleagues on board.

We have moved quickly through the legislative process this year, but we have worked to ensure that the bill has been open to full review. I urge my colleagues to join me in supporting this open rule.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the final 3 minutes to the gentleman from New York [Mr. MANTON].

(Mr. MANTON asked and was given permission to revise and extend his remarks.)

Mr. MANTON. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in opposition to the rule.

Mr. Speaker, the legislation before us today is a misguided answer to a serious problem. In an attempt to curb excess Government regulations, H.R. 1022 would threaten the public's health and safety, encourage court challenges to new regulations and cost at least $250 million according to the Congressional Budget Office.

I regret that risk assessment is being considered by this body as part of the Contract With America because I wholeheartedly agree that our Government's regulatory process should be redesigned and streamlined. I believe consumers, producers, and State and local governments would benefit from legislation designed to curb exhaustive review by the executive agencies, thereby bringing products to the market faster and enabling swifter action for protecting public health and safety.

Unfortunately, H.R. 1022 achieves none of these goals.

Rather than streamlining Government, this bill would add yet another layer of burdensome bureaucracy. By requiring agencies to complete copious and scientifically meaningless risk assessment and cost benefit analyses, I believe this bill would delay regulatory action instead of reforming the process.

If the House leadership had allowed the committees of jurisdiction to complete subcommittee markup of the legislation and work to fashion a bipartisan bill, I honestly believe we could have crafted risk assessment legislation which lessened the load on American business without risking the health and safety of the public.

Unfortunately, the rigors of the artificial 100-day schedule did not allow the Commerce or Science Committees to meaningfully address the issue. I look forward to the day when the concepts of governing and legislating rather than political partisanship again become the focus of this institution.

There is compelling evidence that this bill has not been adequately considered. The bill changed throughout

the House Commerce Committee's consideration of the bill mostly to address unintended consequences of the original measure. For example, the bill as introduced, would have resulted in long delays for FDA approval of new lifesaving prescription drugs. Furthermore, this legislation applies to agencies not covered by the version of the bill approved by the Commerce Committee, including the Nuclear Regulatory Commission.

In order to address the concerns of regulated industries, the majority counsel revised whole sections of the bill just hours before committee markup.

While it is not unusual for the legislative process to uncover drafting problems as a bill moves through the House, the speed with which this bill has moved means that there is a high probability that many problems with this bill have not yet been found.

The minority will offer a series of amendments today and tomorrow to address the most obvious shortcomings of this bill, however, the fact that we are voting on a bill today which was not drafted until last Thursday means that none of my colleagues can be sure exactly what the impact of this bill will be.

I want to caution my colleagues that they should carefully assess the risks of voting to pass this rule and H.R. 1022.

Mr. DIAZ-BALART. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. MOORHEAD], the distinguished vice chairman of the full Committee on Commerce.

(Mr. MOORHEAD asked and was given permission to revise and extend his remarks.)

Mr. MOORHEAD. Mr. Speaker, I support the rule for this bill.

When I introduced H.R. 2910 in 1993, legislation that formed the basis for title I of H.R. 1022, my aim was only to provide a sensible, open framework for the Government to analyze and address risks. Our former colleagues, Al Swift, took an interest in the issue and held a hearing on the bill.

The legislation we will have before us today and tomorrow addresses a number of issues, but I am pleased that its foremost requirements are the ones from my bill that tell agencies to look at risks objectively and present scientific findings in an unbiased manner. Objectivity is not a controversial idea; we should expect no less in our Government's presentation of science.

The Rules Committee has provided plenty of time for debating all the issues surrounding this bill. We have been debating them for several years already. I encourage my colleagues to vote for the rule to bring this important legislation to the floor.

Mr. BEILENSON. Mr. Speaker, I yield the remaining 1 minute to the gentleman from Massachusetts [Mr. MOAKLEY].

(Mr. MOAKLEY asked and was given permission to revise and extend his remarks.)

Mr. MOAKLEY. Mr. Speaker, from the other side we hear claims that we had a bill with a cap on it with 4 hours, and this has a 10-hour cap. But the bill that we had the cap on for 4 hours had one title; this has four titles. The bill that we had a cap on of 4 hours left nobody, nobody without being able to put his or her amendment in. Their caps have caused over 40 people to be left not able to put their amendments forward. So it is not exactly the same situation, not exactly the same bill.

But, more than that, the promise was made to the American people that the 103d Congress' action in the Committee on Rules would never be repeated; that they will come out with open rules. That is all I am asking for. I am not saying we were worse or better. They just violated their statement. They said they would be coming out with open rules, and they have not done it.

PARLIAMENTARY INQUIRY

Mr. MOAKLEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. BEREUTER). The gentleman will state it.

Mr. MOAKLEY. Mr. Speaker, the rules make in order consideration of H.R. 1022. The committees of jurisdiction, however, reported out H.R. 9 with amendments. My question is, has the committee reported on H.R. 1022?

The SPEAKER pro tempore. The Chair would state that that bill was not reported from committee.

Mr. MOAKLEY. So the bill that was heard before the Committee on Rules is not on the floor today? This is a bill that was not heard by the Committee on Rules?

The SPEAKER pro tempore. The Chair is informed that the Committee on Rules held a hearing on H.R. 1022.

Mr. MOAKLEY. But reported out H.R. 9.

The SPEAKER pro tempore. No, the Committee on Rules reported out a special order on H.R. 1022.

Mr. MOAKLEY. Continuing my parliamentary inquiry, is it not true that with regard to the Budget Act and the reporting requirements in clause 2 of rule XI, the points of order prohibiting consideration of a measure, these requirements apply only to reported measures?

The SPEAKER pro tempore. The gentleman is correct.

Mr. MOAKLEY. In other words, Mr. Speaker, the Budget Act point of order that would apply if H.R. 9 was reported does not apply to H.R. 1022, is that true?

The SPEAKER pro tempore. The Chair will not speculate on points of order against other measures.

Mr. MOAKLEY. In other words, Mr. Speaker, the rule could have made in order H.R. 9 with the text of H.R. 1022 as the original bill for purpose of amendment, and the Committee on Rules often reports bills like that. That would have required waiving points of order.

Instead, in this instance the Committee on Rules opted to discharge the Committee on Science, the Committee on Energy and Commerce, and the Committee on Government Reform, and instead the Committee on Rules decided to make in order a bill that no one reported, and in that way they avoided waiving all points of order. Am I correct?

The SPEAKER pro tempore. The Chair would indicate that is a rhetorical question, and not a parliamentary inquiry.

□ 1530

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

The SPEAKER pro tempore [Mr. BEREUTER]. The gentleman from Florida [Mr. DIAZ-BALART] has 4½ minutes remaining.

Mr. DIAZ-BALART. Mr. Speaker, in the interest of Members who may have amendments that they would like to proffer, the Committee on Rules would suggest that any Members that would wish to engage in colloquies for the purpose of making legislative history should consider doing so during general debate. That way the time taken for such colloquies, of course, would not be counted against the time on the amendment process, the 10 hours of the amendment process.

Mr. Speaker, this is an open rule. There is no Member of this House who may have a suggestion to improve this legislation who would like to bring it forth in the form of an amendment who is precluded from doing so under this rule. It is a completely open rule. There is a 10-hour time limit after the 2 hours of general debate for the bringing forth of amendments, but no one is precluded, as I have stated, from bringing forth any amendments.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman had four similar rules that had caps on them. The Members whose amendments were preprinted in the RECORD so they would be sure of having their amendment heard were not heard. How can the gentleman give any Members today, make a statement, stand and say that their amendments absolutely would be heard?

Mr. DIAZ-BALART. Mr. Speaker, what we are saying is, to the distinguished gentleman from Massachusetts, is that we have 2 hours now for general debate, after which there is 10 hours for Members who have amendments to bring them forth. There is preclusion. They do not have to have printed them anywhere in order to bring them forth. If there are no dilatory tactics, if Members who have serious amendments wish to bring them forward during the next 2 days, 10 hours of debate, they can do so.

Mr. Speaker, I yield the balance of my time to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, let me say that first of all, the contract items are concepts. They are subject to refinement. That is what we are doing here today.

I had a call in my office last Friday from a woman. She said to me, what is all the whining about? Why do you not get down to business and do the people's work?

That is exactly what we are doing here. That is why the approval rating of this Congress has gone from 18 percent up to over 50 percent, because are getting it done.

Second, the gentleman from Missouri [Mr. GEPHARDT] wants us to go upstairs. He wants us Republicans to pick your Democrat amendments to make in order on this floor. We are not going to do that. We are not going to take you off the hook. If you have amendments to offer on your side of the aisle, you select the items. You lay out the time for debate on them, and you bring them to this floor. Do not try to put the blame on us. We are recognizing your conservative Democrats. They have been gagged for 40 years by your leadership. No longer. They can act.

They can work their will on the floor of this House.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, if it is a free and open debate and everybody can act, how come all these Members got shut out in the last four rules that had caps on them.

Mr. SOLOMON. Mr. Speaker, reclaiming my time, with due diligence they would have all been recognized in proper order. They should go see their respective leaderships on both sides of the aisle. That is what this Member does, and he gets his amendments in order on the floor.

Mr. MOAKLEY. Mr. Speaker, it is not true, when you talk about dilatory tactics, there were amendments up there that passed on rollcalls with zero votes against or one vote against that were called by your side and those matters took 20 to 25 minutes out of these 10 hours? So where are the dilatory tactics coming from?

Mr. SOLOMON. Mr. Speaker, my friend is getting at a vote on an amendment, which is not a dilatory tactic. That is representing 600,000 people back in our districts. That is what we were sent here to do.

Mr. MOAKLEY. Even though there are no votes against it?

Mr. SOLOMON. Mr. Speaker, the gentleman is sounding sort of like what the woman called me about. Let us get down to the people's business.

Mr. MOAKLEY. Mr. Speaker, last year I got a call from a lady and she said, ''What is all that whining about by Mr. SOLOMON and all those people from the Rules Committee?''

Mr. SOLOMON. Mr. Speaker, she must have found out, because she voted Republican and so did most of the people throughout the country.

Mr. DIAZ-BALART. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I, the Chair postpones further proceedings on the question of adoption of the resolution until later today, but not before 5 p.m.

The point of no quorum is considered withdrawn.

The SPEAKER pro tempore. Pursuant to House Resolution 96, rule XXIII, and the order of the House of Friday, February 24, 1995, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1022.

□ 1535

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes with Mr. HASTINGS of Washington in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. BLILEY] will be recognized for 30 minutes, the gentleman from Michigan [Mr. DINGELL] will be recognized for 30 minutes, the gentleman from Pennsylvania [Mr. WALKER] will be recognized for 30 minutes, and the gentleman from California [Mr. BROWN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today the Committee on Science and the Committee on Commerce are bringing forth for consideration the Risk Assessment and Cost-Benefit Act of 1995. It is the hope of its sponsors that by its enactment the bill will usher in a new era of rationality in the imposition of regulations implementing safeguards for human health, safety and the environment.

This bill will require the use of sound science and sound economic principles to determine if there is a national basis for imposing new and costly regulations on the American people. It will, for the first time, establish a consistent basis by which disparate laws can be measured and integrated. It will, for the first time, communicate to decision makers and the public the nature and magnitude of risks they face in an objective and unbiased way.

Title I of the bill requires that when a Government agency undertakes a risk assessment it fully discuss the methods which were used by the agency to determine the extent of the risk. The bill would require the agency to identify any policy or value judgments, as well as the empirical data that went into the assumptions underlying the risk assessment. Once the risk is identified the legislation would require an agency to characterize the risk in such a manner so as to identify what is the best estimate for the specific population or natural resource which has been characterized. This means that we will know what is the most likely, plausible level of risk, in many cases, for the first time, and not just the most unrealistic worst case scenario.

Further, the legislation requires that an agency provide the public with comparisons of risks that are routinely and familiarly encountered in everyday life. What is more dangerous—driving a car? What is less dangerous—being struck by lighting? What is equally hazardous—drinking a glass of orange juice every day? It turns out so much of what we regulate or ban fits this kind of scenario. This bill will be truly eye-opening. Thanks to a compilation of ideas of SHERRY BOEHLERT, CONNIE MORELLA, VERN EHLERS, and TIM ROEMER, the bill requires ongoing research and training in risk assessment so that the science of risk assessment is not frozen in place. Title I also mandates a study of comparative risk, a provision offered by Science Committee Member TIM ROEMER.

Title II of the bill provides for an analysis of risk reduction costs and benefits. The legislation requires agencies, when undertaking such an analysis, to consider alternative regulatory strategies which would require no government action, accommodate differences among geographic regions, and employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule. Title II would further require that before an agency can issue a regulation, it must show that:

First, the analysis used to issue the rule are based on objective and unbiased scientific and economic evaluations;

Second, the incremental cost reduction or other regulatory benefit will be

likely to justify, and be reasonably related to, the costs incurred by governments and private entities; and

Third, that the strategy employed is more cost-effective or flexible than the alternatives considered.

Furthermore, title II states that if the criteria of that title conflict with existing law the new criteria shall supersede that law, I emphasize, only to the extent that such criteria are in conflict. This title gives further guidance to the agencies and OMB to report back to the Congress in order to identify these conflicts.

Title III will require that risk assessments and cost-benefit analyses shall have the benefit of a peer review process when the proposed rule is expected to result in an annual increase in costs of $100 million or more.

Title IV of the bill will provide for judicial review under the Administrative Procedure Act and the statute currently granting an agency authority to act. This will provide the critical enforcement mechanism to assure bureaucracy compliance with the requirements of this act.

Title V will require each covered federal agency to establish procedures to review any previously published risk assessment or risk characterization document, based on the criteria in title I, if such criteria or new scientific information received at the agency would be likely to alter results of the prior risk assessment of risk characterization. The agency could further revise or repeal a regulation supported by that modified risk assessment.

Finally, title VI will allow agencies to better set priorities to allow agencies to concentrate precious resources to target major risks, instead of minor or nonexistent risks.

I want to make a few observations about the bill as a whole. First, its provisions are measured. It exempts from its purview emergencies, military readiness, product labeling, and State compliance programs or plans. Risk assessment criteria are not mandated for screening analysis; health, safety, or environmental inspections; or the sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts. The bill's aim is targeted at major assessments and major rules, thus a $25 million increase in cost threshold is established for titles I and II, the proactive sections of the bill. And, many of the requirements of the bill are mandated under the condition of feasibility. ''To the extent feasible'' as used in the text of H.R. 1022 means doing everything possible to meet a requirement given the constraints of time, money, and ability.

The opponents of this bill will tell you that this legislation is overly prescriptive. They say that it imposes too much of an administrative burden on the Government. To this we reply that it is about time that the body worries more about the burden on the public, and less about the burden on the bureaucracy.

The opponents of this bill will tell you that this bill will freeze in place the science for doing risk assessments. We reply that this bill will do no such thing, but it will require that sound, unbiased and evolving science be used to formulate regulations.

The opponents of this bill will tell you that this bill will not allow the Government to regulate health, safety, and the environment. We reply that there is nothing in this bill that would prevent justified regulations from being promulgated, as long as they are based on scientific fact and the costs don't exceed the benefits.

The opponents of this bill will tell you that this legislation was rushed to judgment. We reply that the committees of jurisdiction have been studying risk assessment for over 15 years. It is time to act. In fact, we reported a very similar bill out of committee last year with only one major addition.

If Members take a look at the chart, they will see that last year's bill included the best estimates. It included comparative risk. It included substitution risk. Yet the cost-benefit analysis and rules were not included in last year's bill. Peer review was included for the purpose of guidelines, and judicial review was included.

In other words, what we did last year was very, very similar to what is in the bill that we have before us today.

This is nothing new. It is nothing coming out of the blue. It is interesting to note though what happened last year. When the committee decided in its wisdom to have a stronger provision for the risk analysis than what the committee and the committee chairman wanted, we reported this bill that then never came to the floor.

□ 1545

The ultimate closed rule was applied. We never considered the legislation on the floor. It was simply held because the committee had wanted to go further than what the leadership of the committee had determined to do.

Therefore, what we have before us, finally, is a bill that we can actually act on. It is about time. The American people think it is about time. It is the kind of bill that the American people have been looking for.

If this bill is not passed, we will continue to have situations where Federal regulators have run amuck. For example, EPA has required billions of dollars to be spent to remove asbestos from schools, when the lifetime risk that a child, exposed for 5 years to commonly occurring levels of asbestos fiber, will contract a fatal asbestos-linked cancer is 1 in 2.5 million. By contrast, that same child has 1 chance in 5,800 of dying from a motor vehicle accident.

Consider, for a moment, the opportunity cost of that this extravagant waste of funds has engendered. All across this land school boards are claiming they do not have the resources to educate our children, yet local communities have been required to spend money to address a very limited risk.

The money spent could have been used to improve the quality of education, which would have made a real, not an imaginary, difference in a child's life. Rules such as these have no basis in common sense. The irony is that the removal of the asbestos has actually created a greater risk by releasing more fibers into the air than would have been present by leaving it dormant—a substitution risk that could have been identified if that rulemaking had been done under this bill.

Although the bill before us is not the entire solution, it does provide a prospective basis to begin a degree of rationality in our regulatory system.

The opponents of this measure would continue the status quo, but as this Congress is a departure from the past, so is this legislation. I ask my colleagues to join me today in supporting a sensible new framework for regulatory analysis.

The regulatory process we want to bring about is a smart and sensible regulatory process, rather than a dumb and dumber regulatory process. Right now we have a dumb and dumber regulatory process that brings about very bad results in too many instances. This will allow us to become smart and sensible. That is the way we should regulate.

Mr. Chairman, I reserve the balance of my time.

Mr. BROWN of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have indicated earlier that I think the time is ripe for regulatory reform, and for improvements in our risk assessment and cost-benefit analysis. I know that the Members on that side feel very strongly about this, and I can assure them that the Members on this side feel equally strongly that something needs to be done.

The problem, as I see it, Mr. Chairman, is that in our haste to get something done, we may create a problem that is greater than the one which we seek to cure. This is the purpose of this debate, is to explore that aspect, not whether or not we need to improve regulatory reform, we know we do, but whether or not this bill and its contents represents an improvement, or whether it causes problems.

Frankly, the reason that on our side we feel we need more time is because this is the only way we can educate Members on both sides to what both the benefits and problems of this bill are. It is the only way we can educate the public, to the degree that they pay any attention to what we are doing here.

Hopefully the media will pick up the message, and hopefully it will get to our colleagues on the other side, and ultimately, to the President, so he can

determine whether we have acted to correct the major deficiencies or whether they still remain in the bill.

Therefore, it is not just because we want to hear our voice in support of some amendment. It is because we are part of a much broader process which is important to the American people, and we want to use this time as well as possible.

Mr. Chairman, I am in opposition to H.R. 1022 in its present language. The press releases that accompanied the unveiling of the bill, the Job Creation and Wage Enhancement Act, formerly H.R. 9, promised a simplification of regulation, an elimination of redtape, a fair and open governmental process in which everyone could participate, and a downsizing of Government. Somewhere between the issuance of that press release and today's debate, something went terribly wrong.

H.R. 1022 is an ''Alice in Wonderland'' version of those original goals, goals which, as I have already stated, are shared on a bipartisan basis, I might add. H.R. 1022 establishes a more convoluted process, adds to the expense of regulation by many hundreds of millions of dollars, has unintended consequences that even the Republicans admit they cannot determine, favors big business over small business, has had dozens of special interest loopholes added behind closed doors, and sets up a judicial quagmire that has trial lawyers dancing in the street in anticipation of the legal actions needed to straighten the bill out. I will detail these claims in just a moment.

The sad part of today's debate is that none of this was necessary. Members on both sides of the aisle want true regulatory reform. Previous Republican administrations worked diligently to improve the regulatory process.

I have already indicated that I joined with former congressmen, Republican Congressmen to introduce these bills many years ago, and have continued to work diligently to improve the legislative framework. We struggled with similar legislation last year and came very close.

The Clinton White House issued Executive Order 12866, which seeks to reform the way the Government conducts its regulatory business. The Vice President's Reinventing Government work is starting to move this process along, as well. Democrats and Republicans were prepared to work together on this issue and fashion a bipartisan approach to regulatory reform, but the bill before us today cannot be called bipartisan, any more than it can be called true regulatory reforms.

The bill slows down and complicates the regulatory process. The bill describes the detailed steps required to be taken in the course of a regulatory decision, using so much detail that it ties the regulatory agency in knots. This process adds hundreds of millions of dollars in cost to the Federal Government. To that, we must add the cost imposed on the private sector and State governments.

The CBO cost estimate is only an inkling, because it admits it does not have adequate information, but it says a quarter of a billion of dollars, without even counting the impact on many agencies which they could not get figures from, or the impact of tieups as a result of litigation.

Since the process described in H.R. 1022 requires more scientific and economic data to be provided, this reform process will require industry to conduct innumerable studies at great cost to the private sector. In addition, since permits are included under H.R. 1022, and since State governments issue many of the permits under Federal regulatory law, such as the Clean Water Act, State governments will have the provisions of H.R. 1022 imposed upon them. What the cost will be of doing full-blown risk assessment for State permitting decisions is anyone's guess.

I should add that since H.R. 1022 sets up such a complicated process, it will take more resources just to keep track of the process, let alone participate by generating the data required.

What is the differential effect on business in this situation? Big business and trade associations inside the beltway have the money and staff to keep up. Individual smaller businesses outside of Washington are going to have a tough time in this new process.

I do not know if the changes made to the provisions of this bill were designed by big business, trying to squeeze their smaller competitors, or by trade associations, trying to drum up business. Perhaps neither of these occurred. However, the end result is the same: a more complicated regulatory process takes more money to participate in.

Small businesses do not have much money to spare. That is why they started this regulatory revolution. H.R. 1022 inadvertently penalizes them, and I think we can expect a repercussion from small business as great as their original campaign to reduce the pervasiveness of Federal regulation.

H.R. 1022 overrides existing law and applies to ongoing process in ways that even the supporters of the bill cannot detail. Which statutes are being superseded? What regulatory processes are being affected? I note that even many of my Republican colleagues are concerned with these questions, and expressed their concern in supplemental views in the report to accompany H.R. 9, from which I quote, and this is the Republican Supplemental Views:

> The committee was unable to identify which provisions would be affected, much less in what fashion * * *. (T)itle III may undermine landmark laws that were enacted only after years of work and discussion to create a delicate balance of interested and affected parties—laws that range from protection of food and drinking water quality to aviation safety, hazardous waste management, and preservation of wildlife. (Supplemental Views, Report No. 103–33, Part 2.)

After all of this talk of comprehensive reform, starting with the original press releases on the Contract, I would point out to my colleagues that this reform does not apply to all regulations. We have ''reformed'' the process for Government to challenge a potentially harmful product, drug, pesticide, or chemical, and take it off the market, or restrict its use. However, the process of getting these products on the market has been exempted from these ''reforms.'' This is like announcing a program to improve highway safety, and then make it tougher to revoke a suspected offender's driver's license.

Mr. Chairman, let me shorten my remarks somewhat and come to a conclusion. I look forward to an opportunity to improve this seriously flawed bill, and will be offering a substitute, along with my colleague, the gentleman from Ohio, Mr. SHERROD BROWN. In addition, individual amendments will be offered to correct some of the problems I have mentioned.

I hope that those who share my feelings on H.R. 1022 as currently written will join with me in an effort to improve the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield myself 5 minutes.

(Mr. BLILEY asked and was given permission to revise and extend his remarks.)

Mr. BLILEY. Mr. Chairman, I rise in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995. This legislation is long overdue.

On January 1, 1970, the National Environmental Policy Act took effect. NEPA declares that it is the policy of the United States ''to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations.''

Unfortunatly, somewhere along the line, we've lost sight of this important balance between economic and environmental concerns. And as a result, we have more and more Federal regulations that impose enormous costs for minimal, even hypothetical, benefits in public health.

A series of articles published in the New York Times in 1992 pointed out this problem. In one of those articles, the author wrote:

> In the last 15 years, environmental policy has too often evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks. As a result * * * billions of dollars are wasted each year in battling problems that are no longer considered especially dangerous, leaving little money for others that cause far more harm.

An EPA-appointed panel of experts apparently agrees. In a March 1992 report entitled ''Safeguarding the Future,'' these experts cast serious doubt on the quality of science used by the

Agency to justify its regulatory programs. Even many agency personnel perceived that EPA science was ''adjusted to fit policy.''

We tried several times in the previous Congress to make improvements in the way Federal regulations are written, but each time we were rebuffed. In November, the American people sent us a message, loud and clear: Tame this regulatory beast. Our constituents demand that we break the Federal Government's stranglehold on job creation and get the Federal Government out of decisions that are best left to individuals, State and local governments.

H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995, contains commonsense propositions. Title I seeks to ensure that risk assessments and risk communication are open, objective, and sufficiently informative to serve the needs of decisionmakers, the regulated community, and the public.

Title II seeks to ensure that major rules that would increase costs by $25 million are the subject of careful analysis and reasonable decision criteria.

Title III sets out a consistent system of peer review for regulations that would increase annual costs over $100 million. Title IV makes clear that the act is enforceable in court against Federal agencies. Title V provides that there be procedures and priorities for the review of risk assessments and rules. Finally, title VI requires the President to report on opportunities to set regulatory priorities among Federal regulatory programs.

These provisions are responsible management tools. Some say weaker legislation is all that we should do for now. I disagree. We cannot afford to do less than this bill requires. Some say risk legislation should not be subject to judicial review. I disagree. Risk legislation must be enforceable; there should be no double standard where the Federal Government is not subject to review by courts, but State and local governments and businesses are.

Some say we should not disturb existing law, even when that law results in regulations that are expensive and inefficient. I disagree. For a number of years we have been adding layers of regulations. It is time to take a fresh look at the process we use to regulate risks to public health and the environment.

We will see in this debate who clings to the status quo of bureaucracy gone awry, and who is really interested in meaningful regulatory reform. I urge my colleagues to support the Risk Assessment and Cost-Benefit Act of 1995.

□ 1600

Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, everyone in this Chamber wants protective health, safety, and environmental standards issued by the United States Government agencies to be done on the basis of good science and good regulatory practice. That is not the issue. Indeed the question of how these matters are dealt with in the regulatory agencies has long been a special concern of mine because of lack of fairness, because of bad science, and because of other defects in the process.

However, it must be noted that the behavior of the regulatory agencies—EPA and the other agencies which are engaged now in seeking to protect the health and the welfare of the American people, and agencies that are seeking to protect the economy of this country, to see to it that our securities markets and our other financial activities are conducted well and safely and in conformance with Federal law—are indeed not only important but are responses, in almost every instance to requirements imposed on those agencies by the Congress.

Washington is not full of crazy, runamok bureaucrats running around seeking to penalize honest Americans and to create economic hardships or other hardships for the American people. That is quite an unfair and untrue image.

It must be observed that what is going on here is that the agencies downtown are responding to a set of highly complex laws written by the Congress of the United States. In the case of environmental laws, they are responding to legislation which is not only enormously complex but enormously controversial, regulations which were written in response to clear mandates from this Congress which require particular actions to be taken.

One of the remarkable things about this is that several of the Governors who were denouncing the clean air bill that we passed a few Congresses ago for its not being strong enough, such as the Governor of California and the Governor of Wisconsin, who still hold those offices—although the Governor now of California was at that time a distinguished senior Senator from his State—were demanding that we pass not the laws that we passed but legislation which was indeed much stronger and much more punitive in character, something which I resisted with considerable vigor.

It is fair to say the use of risk assessment, cost-benefit analysis and peer review will be helpful. These are important analytical tools, and they will help the agencies to do their job better, limit burdens on private industry, reduce Government regulatory activity and Government waste, and see to it that our legislation is properly handled.

The Government does not need and should not tolerate excessive industry regulation, nor should it excuse sloppy or biased regulatory programs, whether they are biased toward the environmental groups or toward business groups.

I feel, however, very firm and very strong in the belief that environmental health and safety laws which the Congress has adopted after careful consideration are on the books for good reasons. Admittedly these are complex pieces of legislation. They are because they have to be, because the subject matter is complex. And to unwisely impose now a whole new spectrum of additional requirements and mandates, equally complex, upon an already complex system of laws and regulations is simply to compound the difficulties that this Nation confronts.

Business will find it harder, environmental groups will find it more difficult, and the laws and the regulations will be more complex. They will take more time, and the lawyers will have a better time and make more money simply because we have compounded a situation which is now overly complex and made it still more so.

How was it that this got to be so complex? It got to be so complex because this Congress wrote that legislation, and because the agencies are now seeking to carry out the laws which were written by this body.

The health and safety and environmental laws written by the Congress are almost always done on a bipartisan basis as the votes on the House floor indicate. The clean air bill was passed by something like 403 to 5. In the frenzy to complete the Contract on America within 100 days, we have taken out a contract on the history of good legislation and upon the body of good statutory law, and indeed upon the processes of this institution.

As if the Congress now is not going to be satisfied with a flawed process for passing this legislation, H.R. 1022 is literally a contract on the health and the safety of the American people, and on the environment that we will be leaving to our grandchildren.

According to every responsible prediction and estimate, H.R. 1022 will create more paperwork, not less, and increase the number of Federal employees who must be involved in the decision-making and the litigation questions. It will also take more time, and it will add to the miseries and the costs of business as business seeks to live with Government regulation.

The Congressional Budget Office estimates that this bill will cost the Federal Treasury at least a quarter of a billion dollars more every year, and CBO has not yet completed accounting for the costs. Preliminary estimates from the executive branch indicate that more than 1,500 new bureaucrats would have to be hired to carry out the extensive and prescriptive requirements of H.R. 1022 in administering now a much more complex regulatory process.

My Republican colleagues are increasing the size of Government with this bill, at the same time that President Clinton is making a real effort

and real progress in streamlining and downsizing government.

My comment to the American people would be: If you like increased bureaucracy, bigger Government, more work for lawyers, more delay, and more costs to American taxpayers, then H.R. 1022 is the bill for you.

Republican and Democratic Presidents have alike proposed and Congress has enacted specific laws establishing protective standards for identifiable threats to human health, human safety and the environment. These statutes cover a wide range of concerns: protecting women from breast cancer, protecting children from unsafe toys, regulating emissions of toxic air pollutants, ensuring airline safety, providing for the safety of workers in the workplace, and providing for clean water, clean rivers, and safe food. Each was passed for a real and important group of reasons based on particular circumstances posed by clearly identifiable threats.

H.R. 1022 cosponsors now want to override these carefully crafted protective standards of existing law with a uniform set of decision-making criteria, one-size-fits-all criteria, which by the way are different in many respects than the criteria in the bills reported by either of the two committees.

It is interesting to note that no hearings were held on the matter that we are now considering on the floor. The bills that were considered in the committees are different than that which is now before us. Proposals which were in the bills of both committees have vanished in some strange process that can only be explained by my colleagues on the majority side. And proposals which were in neither have all of a sudden appeared to raise new questions about the legislative history and what it is that the Congress is doing here today.

Do we know what laws are going to be impacted by the legislation before us? No. No one can tell us that. We do know some. I had asked the cosponsors of the bill to provide a comprehensive list when the Committee on Commerce marked up this bill. They said, ''Of course. We will be delighted to do so.'' But that list is not yet before us.

In addition to changing the protective standards of existing law, H.R. 1022 will cause significant delays in issuing regulations important to industry, either to provide regulatory relief or relief from existing burdens. This bill is going to slow down the giving of relief to industry on matters which are important to industry, which will make the United States more competitive, and which will reduce costs to American industry.

Ironically, most of the regulations my Republican friends complain of were issued by Republican administrations, like the asbestos regulations raised earlier by the gentleman from Pennsylvania [Mr. WALKER].

□ 1610

Important health and safety protections for the public like these will also be delayed. I would like to now address some of these regulations, since my colleagues on the Republican side were never able to tell us what would be the consequences of being caught in this Rube Goldberg construction which they are now inflicting upon the American people, leading to multiplied gridlock and diminishing the agencies of government and the rights of the American people and American business.

In 1992 the Congress established the Nation's first nuclear waste disposal facility in New Mexico called the Waste Isolation Pilot Plant or WIPP, which will receive nuclear waste material currently being stored at more risky storage facilities around the country. WIPP cannot open until EPA promulgates regulations setting forth operating standards to protect the public health. The Department of Energy indicates that these will be significantly delayed under H.R. 1022.

New Federal Aviation Administration rules to enhance safety standards for commuter airlines in the wake of recent tragic air crashes were to be issued on a fast-track basis by December 1995. According to FAA, these new safety enhancements will be delayed for some indefinite period by the requirements of H.R. 1022.

EPA is now contemplating and working on deregulatory action under the Toxic Substances Control Act pursuant to a rule adopted in December 1994 which would save the economy better than $2 to $4 billion in control costs for PCBs. The proposed changes will reduce disposal costs and provide additional flexibility to industry. They will add to our competitiveness and reduce the burdens on American industry. They will be delayed by this legislation.

The Nuclear Regulatory Commission last year proposed a rule to update seismic standards for any new nuclear reactors built in the United States. In its proposal, the NRC noted that reviewing seismic safety rules for nuclear power plants is particularly timely because of the possible renewed interest in nuclear reactor siting for a new generation of nuclear reactors. The certification and other prescriptive requirements of H.R. 1022 would delay those safety regulations and create a situation where industry will not be able to move forward on important safety regulations which will benefit not only consumers and environmental groups, but also American industry.

The Department of Housing and Urban Development estimated lead-based paint regulations being promulgated to address risks from childhood lead poisoning in Government-owned and Government-assisted housing would be delayed by 2 to 3 years.

The National Highway Traffic Safety Administration has proposed regulations pursuant to a requirement of law enacted by this Congress to provide improved protection against head impacts in the interior of cars and light duty trucks. The estimates of the agency is that, for each year of delay, 1,000 lives will be lost and 600 injuries will occur.

Mr. Chairman, there are literally thousands of other examples of delay of important health and safety standards that will come to light as this legislation moves forward. And the delay of deregulatory actions which could result from the passage of H.R. 1022 will be substantial and costly to the American economy.

The unknown and unintended consequences caused by the hurried consideration of this legislation will emerge for Members in embarrassing and unwanted ways in weeks and months ahead.

I urge my colleagues to oppose the bill. I urge them to support the substitute which will be offered, and I urge them to adopt the narrower amendments which will be offered to eliminate wrongful, mischievous and evil consequences of different parts of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. WALKER. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. BOEHLERT].

(Mr. BOEHLERT asked and was given permission to revise and extend his remarks.)

Mr. BOEHLERT. Mr. Chairman, the person who deserves the ''I don't get it'' award for 1994 is the one who recommended to the President that he buy Dave McCollough's Truman biography and give it to key operatives to read in preparation for the 1996 campaign against what they perceive will be a do nothing Congress. This will not be the do nothing Congress. This will very much be a do something Congress.

The challenge is to do something that is responsive to the problems, and there is no doubt about it, in this area we have a lot of problems. Overregulations, and excessively costly regulations are two of the big ones and we have to be responsible in addressing them.

I would suggest that Terry Davis, who is the director of the Resource for the Future Center for Risk Management capsulizes it nicely when he said in a recent article in the winter of 1995 issue of his publication, ''If the varied interests with a stake in environmental policy can reduce the ideological and partisan coalition that has characterized the risk debate so far, and if they can accept both the uses and limitations of risk assessment, the risk debate could lead to a new era of more effective, efficient, and equitable environmental program.''

I would submit to all of my colleagues that is something, that is an idea we can all embrace.

I serve on one of the committees of jurisdiction, the Committee on Science, and I think the committee did a pretty good job under the leadership

of Chairman WALKER, but I submitted, along with a couple of my colleagues, some supplemental views to our committee report. And among other things we say we agree with the majority on the need to address risk assessment, and cost-benefit analysis. However, we do have some severe reservations about title III of the Job Creation and Wage Enhancement Act.

Under existing law, final agency rules and orders are judicially reviewable under the Administrative Procedures Act. Without clarification in title III of the Job Creation and Wage Enhancement Act, courts may hold that risk assessment guidelines themselves are reviewable, which is sure to lead to excessive litigation. We believe that risk assessment guidelines should not be reviewable.

Additionally, we believe that compliance with title III requirements should be reviewable only in the context of a challenge to a final agency rule or order. Without such a provision, this legislation may exacerbate existing litigations problems and stifle efforts to resolve conflicts within a Federal agency.

Title III requires Federal agencies to conduct resource intensive formal risk assessments and cost-benefit analysis. To me, that is the trial lawyers employment act of 1995.

I will submit the balance of my statement for the RECORD because it is worthy of note.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Chairman, this is a matter that was discussed at quite a length at the committee level. It deals with section 106 that refers specifically to recommendations or classifications by a non-United States-based entity.

One of the things we have done around here in the Congress of the United States that has caused an awful lot of overregulation is because Congress has been basically nebulous and vague on the directives that it places in its legislation.

Non-United States-based entities, and the bill says if it becomes Federal law that ''no covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment,'' without an opportunity for notice and comment. I think this bill begs for a definition of a non-United States-based entity. It does not in fact redefine or reinvent the wheel by any chance, but I will be offering an amendment to this bill.

The Traficant amendment says for purposes of this section, the term ''non-United States-based entities'' means an entity that is No. 1, incorporated outside the United States, No. 2, has its principal place of business outside the United States, or No. 3, is the United Nations or any of its divisions.

The reason why I say this is because the World Health Organization could say that a certain substance is a carcinogen or not a carcinogen and under this bill if they are not determined to be a non-United States-based entity, that would automatically be without notice and comment given. The Traficant amendment would say that any organization outside non-United States-based entity as defined by this decent perimeter would enforce in fact the language of the bill as it is designed and intended to do. I am hoping for the support on this. This was sort of a modified version in the committee that was met with basic approval and I think it should be in the bill, not in report language, and it should be specific since the bill speaks to non-United States-based entities.

I ask for support on this amendment.

Mr. BLILEY. Mr. chairman, I yield 5 minutes to the gentleman from Florida [Mr. BILIRAKIS], chairman of the Subcommittee on Health and the Environment.

(Mr. BILIRAKIS asked and was given permission to revise and extend his remarks.)

Mr. BILIRAKIS. Mr. Chairman, in September, 1993, the Clinton administration issued its National Performance Review, which stated that private sector costs from Federal regulations were ''at least $430 billion per year—9 percent of our gross domestic product.'' Others put the total annual costs to the private sector and State and local governments at between $500 and $850 billion per year. To put this in perspective, this is more than the total amount of discretionary domestic spending by the Federal Government each year.

As if this weren't enough, the U.S. EPA estimates that it will impose 93 regulations on society during the next year, each of which will cost between $25 and $100 million per year. The Department of Agriculture estimates that it will add 200 regulations annually with costs in that range. And the Food and Drug Administration says it will add another 25 regulations per year with costs between $25 and $100 million. That's an additional 318 regulations for just these three agencies over the next year, with an added cost to society every year of $8 to $32 billion.

H.R. 1022 is sensible legislation that, among other things, will help us ensure that whatever amount society spends on regulation is justified by the amount of benefits from those regulations. We are committing a huge proportion of our economic resources to health, safety, and environmental regulation. That is the way it should be. It should be beyond debate that we need to make sure we are getting real benefits for all that we are investing.

Cost-benefit analysis is only one part of H.R. 1022. The other major part is a series of requirements that will ensure that when an agency determines how much benefit society is receiving in the form of reduced health, safety, or environmental risks, it uses objective science and presents its findings in an unbiased, open manner. Lest we hear today, and we are hearing today, from opponents of the bill that these provisions are designed to weaken health and safety standards, let me assure you that this is not the case. We are not striving for some particular policy outcome. We are trying to make sure that when we make regulatory decisions based on risk assessments that we are basing our decisions on science and not on policy preferences.

Unfortunately, that has not always been the practice in the past.

I am going to go into some what I consider examples of regulatory overkill.

The cost of EPA's hazardous waste listing for wood preserving chemicals is $5.7 trillion per theoretical life saved or cancer incidence avoided. The cost of EPA's municipal solid waste landfill standards is $19.1 billion per theoretical life saved or cancer incidence avoided. Clearly, I think everyone would agree with me, these costs are excessive, given the risk involved.

The Safe Drinking Water Act currently limits arsenic levels in drinking water to no more than two to three parts per billion. However, a regular portion of shrimp typically served in a restaurant contains around 30 parts per billion

We all remember the Alar scare of 1989. As a result of the Alar scare, the damage to the apple industry nationwide—from growers and processors to retailers—totaled hundreds of millions of dollars. Even growers who did not use Alar on their apples were devastated.

However, scientific studies showed that Alar was not carcinogenic in either rats or mice. But UDMH—a breakdown product of Alar—when consumed in massive doses—equivalent to a human consuming 19,000 quarts of apple juice daily over a lifetime—did cause some blood vessel tumors in mice.

In 1991, the OSHA regional office in Chicago issued a citation to a brickmaker for failing to supply a Material Safety Data Sheet [MSDS] with each pallet of bricks. OSHA reasoned that a brick could be poisonous, because when sawed, it can release a small amount of the mineral silica. The fact that this did not happen much at construction sites was of no consequence.

Brickmakers, fearing lawsuits, began sending the form so that workers would know how to identify a brick—a ''hard ceramic body with no odor''—and giving its boiling point—''above 3,500 degrees Fahrenheit''. In 1994, after 3 years of litigation, OSHA finally

backed down and removed the poison designation.

Mr. Chairman, for those reasons we think that this legislation is so necessary.

At the joint hearings on title III of H.R. 9, a number of witnesses highlighted examples of the need for risk assessment and cost-benefit analysis:

Ohio EPA Director Donald Schregardus testified that of the 52 synthetic organic chemical pesticides for which U.S. EPA requires testing, only 9 were used in the State of Ohio in quantities that might be detected. The State and local communities were forced to spend thousands of dollars and significant time proving to U.S. EPA that those pesticides were not a problem, instead of using resources to solve real drinking water concerns.

Ms. Barbara Wheeler of the National School Boards Association emphasized that inaccurate risk assessment on asbestos has diverted billions of dollars from schools. The formulation of public policy on the asbestos issue was ahead of the scientific evidence to establish an accurate risk assessment; the result was that millions of scarce educational dollars were wasted. EPA's science ignored the variations in risk from different types of asbestos and focused on tests involving brown asbestos—the most hazardous type. However, the asbestos found in most schools was white asbestos, which is much less hazardous.

The Occupational Safety and Health Administration requires warnings that crystalline silica—one of the most commonly occurring elements in rocks and sand—is a carcinogen. In California—a state famous as a beach-lover's paradise—bags of sand used to fill children's sandboxes are labeled with a warning that sand is known to cause cancer.

The labeling of silica as a carcinogen was the result of a study on rats which were exposed to 100 times or more the amount of silica that workers in even the dustiest of conditions would be exposed to. However, similar studies on mice and hamsters failed to produce carcinogenic results.

OSHA's Hazard Communication standard—a ''right to know'' regulation—requires employers to post Material Safety Data Sheets [MSDS] explaining chemicals used in the workplace. MSDS violations account for more citations than any other OSHA rule. Unfortunately, these sheets are often difficult to understand or border on the absurd.

For example, the suggested remedy for exposure to charcoal dust is ''seek air,'' and for exposure to sawdust: ''flush with water.'' One construction company was cited by OSHA for failing to provide a Material Safety Data Sheet for Joy dishwashing liquid.

During our hearings in February, Dr. John Graham from the Harvard Center for Risk Analysis said that the most urgent need for health, safety, and environmental regulations is ''a statutory requirement that Federal agencies report realistic estimates of risk based on the best available science.''

Dr. Lester Lave of Carnegie Mellon University said ''Congress should instruct regulatory agencies to use the best scientific knowledge, not ''conservative'' decision rules. Agencies should explore all plausible alternative scientific theories and explain why they chose a particular theory.'' That is what we have done in this bill. Objective science presented in an open manner will help us and the agencies make better decisions, and it will also help the public understand what kind of risks it is facing.

I urge my colleagues to support this legislation. It is a reasonable, common sense initiative that will help ensure that we provide appropriate protection for the public.

Mr. DINGELL. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Michigan for yielding me this time and I rise in opposition to the legislation that is before us today. It is a Frankenstein monster of ill-conceived and excessive provisions grafted together from bits and pieces of the Science Committee and Commerce Committee reported versions of the so-called Job Creation and Wage Enhancement Act of 1995.

Unfortunately, the only people whose jobs are going to be enhanced and created and whose wages are going to go up will be the attorneys of the United States who will be litigating under this legislation for the next decade, countless billable hours, filing lawsuits to challenge virtually every action taken by Federal regulators and legions of bureaucrats needed to generate the mountains of paperwork necessary to comply with the complex substantive and procedural requirements of the act.

I am particularly concerned because it could transfer scientific peer review panels into special interest pleadings. This legislation allows, believe it or not, the lobbyists and the scientists of the industries being regulated to sit on the scientific peer review panels that are going to judge whether or not the regulations should be put on the books to protect the public health and safety and environment. It is absolutely a built-in conflict of interest that will result not only in bad laws being put on the books, but endless litigation as people challenge the rules that are finally put on the books.

In addition, it would construct a legislative labyrinth of procedures which would have to be engaged in. We would have no reason to close down House Annex 2. Just like the final scene of Raiders of the Lost Ark, we could need to fill it with all of the regulations, all of the procedures that had to be gone through in order to ensure that the regulators of the lost ark had been tied into knots and made absolutely powerless by the Lilliputians of bureaucrats and peer reviewers who will block any meaningful health, safety or environmental regulations from being placed upon the books.

□ 1630

And finally, all of this is subject to judicial review, thousands of lawyers crossing fingers back in their law firms right now, praying that this bill goes through.

We have billable hours of such a gargantuan number that it is almost unimaginable.

This is a bill which is a dream for lawyers across this country.

And finally, the safety of our Nation's nuclear powerplants, of the nuclear waste sites, protecting children against unsafe toys, preservation of our natural environment, clean food, clear water. Is our water too clean? Is our food too safe? Are the airlines too safe against any disasters befalling the American people?

And finally, before we avoid making policy on the basis of false or misleading, anecdotal information, for example, over the last several days we heard one of the proponents of this legislation 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. Sounds bad. Now, that would be ridiculous regulation, if it existed. But the truth is that there has never been such a rule, and there never will be such a rule.

The fact is that nearly 30 infants, toddlers, each year have been drowning in 5-gallon buckets, and the Consumer Product Safety Commission has worked with the industry to come up with a program of voluntary labels warning parents about the drowning danger. Voluntary.

This is an example of the public-private sector cooperation which is prevalent through many areas of the regulatory world.

I urge my colleagues throughout this debate, first make such that lobbyists and scientists of the companies being regulated cannot serve on the peer review panels; second, ensure that there is no reduction, no reduction in the overall health, safety, and environmental protections that are offered to all Americans; and, ensure that at the end of the day that we have not turned back the clock of progress which we have made in extending the life expectancy of all Americans, which is what has happened over the last 30 and 40 years in this country. Let us not tie the hands of those who have been committed to health and safety so that the private interests, the special interests, can go back to an era where those products that endangered the public were made available without any warning, without any protection against danger.

Mr. WALKER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we had at least 1 person stand up and defend the present regulatory system. I did not think we were going to have that.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. SALMON].

(Mr. SALMON asked and was given permission to revise and extend his remarks.)

Mr. SALMON. Mr. Chairman, I do not think it is too unreasonable to require the Federal Government to operate based on good science, and I do not think it is unreasonable to expect that

the Federal Government should do a cost-benefit analysis before rules are promulgated.

Let me tell you a little bit of a horror story as a State legislator I had to deal with in the State of Arizona. We came under fire of the Federal Government because of the 1990 Clean Air Act, and basically we were told not only what the outcome should be of our plan to avert destruction by the Federal Government, but also what the modality should be. In fact, it was dictated to us that we must institute the IM–240 program, which is about three to four times more costly than the existing vehicle emissions testing and takes about four to five times as long, those that have to wait in line for the tests. Could you imagine all the smog and pollutants that are put into the atmosphere while they are waiting an extra hour in line with their cars running?

Finally, I would just like to say we have an opportunity to turn all of these, this madness around, and I hope we get a chance to do that.

Look before we leap.

Mr. BROWN of California. Mr. Chairman, I yield 3 minutes to the gentlewoman from Michigan [Ms. RIVERS].

(Ms. RIVERS asked and was given permission to revise and enlarge her remarks.)

Ms. RIVERS. Mr. Chairman, several years ago when New York City was experiencing one of its garbage strikes, there was a young fellow who was getting very, very upset with the garbage that was piling up in his apartment. He did not know what to do, so one day he put it into a box, wrapped the box with gift wrapping paper, put it in the back seat of his car, and waited for someone to steal it. It worked.

Well, Mr. Chair, I would say to you that that is exactly what we have here. We have some garbage wrapped in pretty paper.

Now, I know that people will say that since I am speaking against the bill I am really against any change in how we regulate business and industry in this country. Not true. As a freshman who ran on reform and as the child of small business people, I want very much to see our regulatory climate improved in this country, but as someone with a degree in biological anthropology and a law school graduate, I also believe in science and logic, and neither of those things are to be found in this bill.

It increases costs. It overrides existing laws around health, safety, and the environment. It creates a labyrinth of procedures, and so encourages litigation that its only possible outcome must be a desire to have paralysis by analysis.

It purports to require good science, but when you look at the bill, we see that it mandates participation, or allows, forces participation for people who have an income interest in the outcome of the deliberation. It sets up vague standards.

When I talked to the scientists in my district, the University of Michigan is in my area, I asked them what they thought about the bill. It is interesting. One professor pointed out that while the word ''cost'' is used over and over and over again, and defined in several ways, the word ''benefit'' is never defined. It is never talked about. And his last comments in this area are interesting; he says, ''These admissions by themselves are a dead giveaway about the intent of this bill.''

And so I say to you, Mr. Chair, that, yes, there is pretty packaging, but underneath of it, 1022 is still garbage.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. THURMAN].

(Mrs. THURMAN asked and was given permission to revise and extend her remarks.)

The CHAIRMAN. The gentlewoman from Florida is recognized for 4 minutes.

Mrs. THURMAN. I want to thank the gentleman from Virginia very much for yielding this time to me.

I rise today as a longtime supporter of risk assessment and cost-benefit analysis.

This legislation puts to use good science and common sense over political priorities which arise from the vicious circle of unsubstantiated media claims and subsequent public fear about exaggerated risk. Risk assessment and cost-benefit analysis allow us to prioritize our finite resources to those risks that truly threaten society.

We all have examples of outrageous regulations forced on the American people that drive up costs to consumers and businesses.

There was a television special last year hosted by John Stossel on the issue of risk assessment which was titled ''Are We Scaring Ourselves to Death?''

Let us look at risks which actually shorten our life spans, airplanes by 1 day, hazardous waste by 4 days, air pollution by 61 days, crime by 113 days, driving 182 days. In the last decade, we have heard Alar, Perrier, cellular phones, carpets, coffee. They have all been dramatized by the media and the public for the risk they pose, and yet no one on this floor expects to pass legislation outlawing everyday hazards like stairs, which kill a thousand Americans, and bikes, which kill 700 Americans each year.

Mr. Chairman, one of the reasons that I ran for Congress was to foster and renew strong partnerships between citizens and their Government.

The President stated in an executive order requesting Federal agencies and departments to conduct risk assessment that the United States is overburdened with Federal regulations and that the American public deserves a system that protects and improves their health, safety, environment, and well-being, and improves the performance of the economy without imposing unacceptable or unreasonable costs on society.

The legislation before us achieves this goal. Risk assessment and cost-benefit analysis was also adopted as part of the Southern Legislative Conference priority agenda, and in the State of Florida this year, Governor Lawton Chiles is considering similar legislation.

As we are forced to allocate scarce resources to combat the most serious threats facing our health, safety, and the environment, risk assessment and cost-benefit analysis are important management tools necessary in crafting sound public policy. We can no longer enact unnecessary regulations here in Washington. It is not fiscally possible.

By basing our Nation's regulations on these principles, we stand to forge rather than force that strong partnership.

In addition, through the use of risk assessment and cost-benefit, we can identify those areas around our Nation, particularly the poorer regions, that are in need of Federal regulatory protection. The Congressional Research Service and the General Accounting Office assert such analysis might increase the net benefits of Federal regulations, might reveal cost-effective alternatives, and might actually justify stricter regulations..

In a recent Time-CNN poll, 68 percent of the American people favored environmental regulations being subject to a cost-benefit analysis. Another survey by the Harvard Center for Risk Analysis showed similar results.

Mr. Chairman, the American people want their Government to produce necessary and meaningful regulations and not burden them with unnecessary ones.

Opponents will argue $125 million to implement this bill is too costly, but they will fail to mention the cost of compliance of $430 billion annually, 9 percent of our gross domestic product. As cited in the Vice President's national performance review, the time is now to enact this bill.

I urge my colleagues to vote for sensible regulatory reform and vote for H.R. 1022.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. WAMP].

Mr. WAMP. Mr. Chairman, I thank the gentleman for the time. Mr. Chairman, this legislation is long overdue. Risk assessments and cost-benefit analyses are critical to the economic health of our nation's citizens, businesses, and local governments.

As a member of the Science Committee, I understand the importance of H.R. 1022 and the common sense approach it will bring to the regulatory process. It is the first step in restoring logic and order to our nation's regulatory nightmare.

If used properly, risk assessments serve as an important basis for sound regulatory and risk management decisions.

But, if there is no rhyme or reason to the process of assessing risk, they can harm industries and destroy jobs.

Let me give you an example of how manufacturers in my state are affected. One of the biggest industries in the Southeast and in Tennessee, my home State, is the appliance manufacturing industry. This industry employes over 28,000 people in Tennessee and over 50,000 people in southern States like Florida, Georgia, North and South Carolina, Virginia, Alabama, and Kentucky.

Mr. Chairman, the biggest threat to this industry is not foreign competition. Believe it or not, the biggest threat to this industry is the impact of federal regulations. More and more, these costly, and unreasonable regulations are redirecting human, financial, and technical resources to comply with the growing number of Government mandates.

The appliance manufacturing industry is one of the last remaining true American manufacturers. More than 80 percent of the major appliances used by American consumers are produced here in the United States.

The total impact on the appliance industry of a growing burden of federal regulations is a serious and immediate concern to manufacturers in my state and the entire Southeast region of the country.

That is exactly why I introduced an amendment during committee mark-up which explicitly requires regulators to consider the total burden of government regulations on companies or products, of any industry, and to accurately evaluate financial impacts on manufacturers in all industries.

Currently, the Department of Energy does not take into account consideration of the total financial or technical resource burden on manufacturers of continuously redesigning all of their major products to meet the standards.

What is more absurd is that neither the EPA or the Department of Energy coordinate with one another to take into account the problems manufacturers have in meeting separate, and often conflicting, standards at the same time.

As you can imagine, these EPA and Department of Energy standards are often times conflicting, which simply adds to the manufacturers' cost of compliance.

For the sake of our Nation's manufacturers, I strongly urge passage of this bill.

Mr. BROWN of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I found this debate to be quite useful, and I regret very much that there are not more Members who are here to listen to it and to participate in it. I say that because I have a number of Members who expressed a desire to speak who are not here on the floor right at this moment, and I consider that to be regrettable.

Nevertheless, during the course of this debate, there are going to be statements made probably on both sides which are going to be difficult to verify and which, in some cases, may be a slight distortion of the truth.

The gentleman from Massachusetts [Mr. MARKEY], for example, cited purported EPA regulation of buckets to require a hole in the bottom. I do not know whether that is a true story or not.

□ 1645

But it indicates a problem of how stories get around. The gentleman from Florida [Mr. BILIRAKIS] made reference to the Alar problem, which I was quite familiar with and participated in it as a member of the Committee on Agriculture.

My recollection of that situation, which I deplored publicly on many occasions, was not that the EPA had overregulated, but that very vociferous consumer groups insisted that they had under-regulated and carried that through all the media to the point that it created a wave of hysteria against what EPA had actually done.

Now, I hope that I am not mistaken in my recollection of the facts. It turns out that it almost ruined the apple crop that year, put severe stress on the people who supplied the Alar chemicals, and cost them most of their market, and led, I think, to their voluntary withdrawal of the commodity.

These are the kinds of situations which deserve to be more fully explored.

Unfortunately, it cannot be done here on the floor. I will confess my memory is not perfect on an event of this sort and by the time it gets perfect, it will be next week and we will have voted on the matter and it will be impossible to ascertain what the real facts were.

Mr. Chairman, I reserve the balance of my time.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from California, the vice chairman of the committee [Mr. MOORHEAD].

Mr. MOORHEAD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong support of H.R. 1022.

This bill incorporates as title I legislation I introduced in the last Congress to set requirements for the assessment and characterization of risks.

For risk assessment documents, it requires the following: A discussion of laboratory and epidemiological data and whether it shows a link between a substance or activity and health risks. An explanation of the assumptions the agency made and why others were rejected. A discussion of whether agency studies show the same results as real life data.

Once the risk is assessed, it requires that the agency present the information fairly and openly, including the following: A description of who or what is at risk, a best estimate of the risk, and a description of how much scientific uncertainty there is. An explanation of how the agency believes the population would be exposed. A comparison of the risk to risks from other activities, especially ones that the public would understand. A statement of how much risk there would be from other alternatives.

Title I only applies to risk assessment and risk characterization documents used by a list of covered federal agencies, not to all federal agencies, and only in connection with regulatory programs designed to protect human health, safety and the environment. It also only applies to certain agency actions, like final rules that have compliance costs for our country of more than $25 million, reports that agencies issue to Congress, environmental cleanup plans, certain permit conditions, and to the placement of a substance on a list of carcinogens or toxic substances.

Title I is really fair legislation. It is not designed to roll back health and environmental standards or override existing laws. In fact, it explicitly states that it does not modify any existing statutory standard or statutory requirement designed to protect health, safety or the environment.

We need this legislation to make sure that we are not ignoring real risks while we are regulating phantom ones. I urge my colleagues to support the bill.

Mr. DINGELL. Mr. Chairman, I continue to reserve my time.

PARLIAMENTARY INQUIRY

Mr. WALKER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] will state it.

Mr. WALKER. Mr. Chairman, would the Chair advise this gentleman who has the right to close the debate?

The CHAIRMAN. The gentleman from Virginia [Mr. BLILEY] or the gentleman from Pennsylvania [Mr. WALKER] would have the right to close.

Mr. WALKER. I thank the Chair.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise to express my unwavering support for H.R. 1022, the Risk Assessment and Cost-Benefit Act.

Additionally, I would like to thank the gentleman from Pennsylvania, Chairman WALKER, and the gentleman from Virginia, Chairman BLILEY, for their leadership on this important piece of legislation.

Mr. Chairman, the Congressional Office of Technology Assessment in November 1993 released a study which stated that the Federal Government devotes inadequate attention and resources to federal risk assessment research. Additionally, EPA's own Scientific Advisory Board noted that if the Nation's finite resources are spent solving low-risk problems rather than

high-risk ones, then society will be exposed to higher risks with inadequate resources to deal with them.

Regulatory costs is the single greatest hurdle facing U.S. businesses and is a big job killer. Businesses and local governments which were regulated spent more than $500 billion in direct and indirect costs in 1993 twice the deficit to comply with federal mandates, and that figure is expected to climb to more than $650 billion annually by the year 2000, roughly 3 times our whole defense costs.

Almost 75 percent of this cost increase is expected to result from additional environmental, health and safety regulations. Beyond problems caused by the rising costs of government regulations, the regulatory process itself has become unduly rigid, unresponsive and inconsistent.

We all lose because of irresponsible policies. Without risk assessment, the EPA does not have to use sound science in environmental regulation formation. Bias input can be used to adjust data to fit a policy agenda which is not looking out for business, local governments or the average citizen—who must comply with political agendas.

We need to create confidence in our environmental regulations through risk and cost-benefit analysis. As a representative, one of my goals in representing my constituents in Congress has been to provide regulatory relief to local government and local employers and to balance this with the needs of people for a clean environment.

Before we burden our economy and society with costly new laws and regulations or continue some of those now in place, we must be sure that the benefits justify the costs.

Sound science, cost benefit analysis and risk assessment must all work together to ensure balanced environmental laws and regulations when they are enacted. The process must include: scientifically sound risk assessment; risk-based prioritization; and cost-effective risk management. In addition, there must be public participation in all phases of the process. These aspects must be at the heart of any environmental decisionmaking.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

(Ms. EDDIE BERNICE JOHNSON of Texas asked and was given permission to revise and extend her remarks.)

Ms. EDDIE BERNICE JOHNSON of Texas. I thank the gentleman for yielding this time to me.

Mr. Chairman, I, like everyone else, say we need to deal with this kind of legislation, but this piece of legislation goes too far. It is too extreme.

Title II of H.R. 1022 provides new decisional criteria that elevate flexibility for industry and cost reduction above public health and safety. The bill rescinds the decisional criteria for balancing harms and benefits, both public and private, both known and unknown, that have been built into the Federal environmental protection legislation over the past 25 years. It requires EPA to bear the burden of proof that the benefits of regulatory actions are worth it.

What this means in real terms is that the vulnerable Americans—the sick, the elderly, the newborn—can no longer be protected because their protection is too expensive. This also means that EPA would not be able to take any action that addresses many current health hazards, such as preventing the reoccurrence in the Nation's water supply of various bacterial diseases like the one that killed numerous people in Milwaukee and caused 400,000 illnesses, preventing the 70,000 deaths estimated to be caused each year by breathing air laden with fine particles or reducing airborne emission dioxin from waste incinerators located in residential communities.

Mr. Chairman, I know firsthand about many of these kinds of conditions. This puts people's lives at risk.

Mr. Chairman, title II of H.R. 1022 provides new decisional criteria that elevate flexibility for industry and cost reduction above public health and safety. The bill rescinds the decisional criteria for balancing harms and benefits, both public and private, both known and unknown, that have been built into all Federal environmental protection legislation over the past 25 years. It requires EPA to bear the burden of proof that the benefits of regulatory action are worth it.

What this means in real terms is that vulnerable Americans—the sick, the elderly, the newborn—can no longer be protected because their protection is too expensive.

This also means that EPA would not be able to take any action to address many current health hazards, such as preventing the recurrence in the Nation's water supply of microbial diseases like the one that killed numerous people in Milwaukee and caused 400,000 illnesses, preventing the 70,000 deaths estimated to be caused each year by breathing air laden with fine particles, or reducing the airborne emissions of dioxin from waste incinerators located near residential communities.

BACKGROUND

Section 202(a) requires that the benefits of any major rule to protect health, safety, or the environment—one resulting in an increase in cost of $25 million or more—justify and be related to, the costs of the rule. That section also requires that there be no regulatory or nonregulatory option that could achieve similar benefits in a more cost-effective manner or in a manner providing more flexibility to the regulated entities. These requirements must be met by substantial evidence in the rulemaking record (section 202(b)(2)), a higher standard for agency rulemaking than the ''arbitrary and capricious'' standard required for agency rulemakings under the Administrative Procedure Act [APA].

As a result, this bill supersedes, and rescinds, the decisional criteria for balancing harms and benefits built into all current Federal environmental laws. The mandates of environmental statutes that EPA rulemaking be necessary to protect human health or the environment—RCRA hazardous waste requirements—or provide an adequate margin of safety (Clean Air Act) or prevent the endangerment of drinking water supplies (Safe Drinking Water Act), to use just a few examples, would be fundamentally altered. Instead, EPA's rules under all environmental statutes would need to be based on a demonstration that the benefits of the action ''justify'' the costs and that there are no other options, including non-regulatory options, that are more cost-effective.

Because of the substantial evidence standard, EPA will need to quantify costs and benefits to the extent possible. And, since many of the public and private benefits of environmental regulation are difficult to identify, let alone quantify, public health and environment will always be on the losing side of this kind of analysis.

And the biggest losers in this kind of analysis are people who are the most expensive to protect: infants, older Americans, people with serious illnesses, people in rural areas, and people who live in low income areas. Prolonging the life of persons who are the most vulnerable may have little economic value.

Similiarly, preventing people from becoming ill, a major benefit of new drinking water protection rules, for example, has little dollar value and would be unlikely to survive this analysis. As a result, EPA would not be able to require the additional water treatment that would prevent the recurrence of incidents such as the outbreak of Cryptosporidiosis in the Milwaukee water supply that resulted in an estimated hundred deaths and over 400,000 illnesses.

EPA would also have great difficulty justifying new Clean Air Act standards to protect children from lead poisoning, asthmatics from sulfur dioxide, and cardiac patients from carbon monoxide. EPA would also not be able to revise the outdated rules for hazardous waste incinerators located in or near residential communities.

Mr. BLILEY. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia [Mr. NORWOOD], a member of the committee.

Mr. NORWOOD. I thank the gentleman for yielding this time to me.

Mr. Chairman, I do not just rise, I stand up with great glee to support H.R. 1022. I have for the last 5 years of my life lived under the rules of this Federal Government. Finally, I decided to run for Congress to try to get out of the way of the Food and Drug Administration, OSHA, and all the other regulatory agencies in this country.

This bill is an important first step toward a Federal rulemaking system that solves legitimate problems cost effectively, a rulemaking system that cooperates with governments and businesses and that prioritizes potential risks to society based on objective science rather than subjective whimsy.

I know that this town may not be full of crazy regulators or standards writers or enforcers, I do know there are a lot of them here, but Mr. Chairman, they are all over the country. And if I may cite a couple of examples which have a source: EPA regulations require municipal water treatment plants to remove 30 percent of organic material before discharging treated water into the ocean. What a good idea. Who could disagree with that?

Because water, though, in Anchorage, AK, is already cleaned, the town has had to recruit local fish processors to purposely dump 5,000 pounds of fish guts into the sewer system each day, thus allowing the city to clean the water and satisfy EPA requirements.

Another wonderful example, Mr. Chairman: Montana rancher John Shuler was awakened one night by a grizzly bear rummaging through his sheep herd. He went outside with his guns and fired shots into the air in an attempt to scare them off. An unseen grizzly emerged from the dark to attack Shuler. Fearing for his life, Shuler shot the bear.

The grizzly bear, you know, is on the endangered species list, Mr. Chairman, and Mr. Shuler was consequently fined $4,000 by the EPA.

I am amazed today to hear people say that it is unfair to have a peer review committee where the very people who are being ruled and regulated are going to sit on that committee and be able to defend their families and businesses. I am amazed to hear the people that sit in the hearings, directors of agencies, complain about paperwork, complain about being regulated and complain about lawyers. For goodness sakes, that is what we have been living with for the last 10 years.

Mr. Chairman, Federal regulatory costs are estimated to be over $540 billion. Our supporters ask us to support H.R. 1022.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Florida [Mr. HASTINGS].

(Mr. HASTINGS of Florida asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Chairman, title I of H.R. 1022 will cripple American industry. It requires extensive risk analysis which is time consuming, redundant, and unnecessary. It will apply to hundreds of thousands of American industries and businesses that need environmental permits or changes to permits they already have.

The provisions of this title will result in huge delays in the construction or modification of the hundreds of thousands of industries and businesses that apply for any type of environmental permit or permit modification each year. And it is the permittee who will bear the cost of the delay and the redundant analysis. This is gridlock at its worst.

□ 1700

Also, because these analyses are required prior to EPA even proposing cleanup measures for oil or toxic spills, contamination of land and water will spread and grow more costly, and more dangerous, while awaiting these analyses. These analyses are required even if they are completely unnecessary for the cleanup. This kind of redtape and bureaucratic strangulation is absurd.

Title I or H.R. 1022 requires that each significant risk assessment document and significant risk characterization document prepared by or for a Federal agency meet detailed analysis requirements prior to completing actions designed to protect human health, safety, or the environment. (Section 103(b).) Federal actions in which such assessments or characterizations are used and which do not comply with these requirements must be voided by the courts even where the document itself was tangential to the federal action.

While risk assessment and risk characterization documents are necessary and important bases for federal regulatory action, the scope of this provision goes far beyond scientific risk assessment or characterization documents. In fact, risk assessment and risk characterization documents are sweepingly defined to include virtually any federal document which identifies, describes, or discusses any hazard (Section 110). Although the definition of significant documents narrows the scope of these provisions, the federal actions affected remain large, including all federal permits, major rules, and federal oil or chemical spill response plans.

More importantly within those categories, all risk assessment documents or risk characterization documents, regardless of their significance, must meet the analysis requirements of sections 104 and 105. Since almost any document prepared for a Federal permit, Federal permit modification, cleanup plan, or major rule will at least refer to, if not discuss, the hazards addressed by the federal action, almost all documents must meet the analysis requirements, even when that analysis is not particularly relevant or necessary for the Federal action.

Mr. Chairman, this is a crippling American industry provision, and I ask that we reject H.R. 1022.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. Mr. Chairman, today our Nation spends about $140 billion each year to comply with environmental regulations. That total will climb past $200 billion by the year 2000. Now these regulations are vital, but these costs mean that less money is available for other important needs like reducing crime, creating jobs, improving our education system, and, as we saw in committee in some cases, even allowing more money to go for medical science research that could be available with the cost-benefit analysis before we move ahead. Inefficient investments in regulatory programs reduces our ability as a nation to create new opportunities for Americans.

I have been hearing arguments from the other side of the aisle that they want regulatory reform but not this reform. But my question is, ''If you want reform, where have you been the last 40 years?''

Mr. Chairman, what did they accomplish? Zip, zero, except add law after law, regulation after regulation, layer after layer of $50 solutions to $5 problems.

Opponents of this bill also argue that this will open the floodgates to litigation. I ask, ''What do you think we have now?'' At least for the first time we will get good science, and we will get some cost-benefit analysis before these costs are imposed on small businesses, local governments and consumers.

Mr. Chairman, H.R. 1022 should make the regulatory process more efficient and more productive instead of squandering time and resources treating relatively minor risks. This bill establishes criteria for identifying and treating the more serious risks facing the environment, public health and safety. When emergency rule-making authority is needed, this bill allows agencies to continue to use their emergency rulemaking authority.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, I have always been and will continue to be a strong supporter of risk assessments and regulatory reform. This bill was intended to address real problems within the current system. However, this new version before us today differs from either bill considered by the Committee on Commerce or the Committee on Science, and it needs substantive changes if it is to address the regulatory morass now present.

Implementation of its cumbersome procedures requires people. Using conservative CBO estimates this could mean putting about 5,000 people back on the federal payroll.

This bill will result in an increase in risk assessments and cost-benefits analyses by agencies from the current level of 80 per year to more than 2,400 per year.

The cost to the Department of Defense for developing and implementing peer review for the base realignment and closure process alone will be estimated between $35 and $70 million per year. The Department of Transportation will have to perform risk assessment and cost-benefit analysis before issuing mirror requirements to help school bus drivers protect the safety of our schoolchildren.

That is not the kind of reform our constituents would like to see, not to mention State governments coming under this.

Talk about an unfunded mandate; H.R. 1022 would require State governments, when acting as agents of the Federal Government, to perform risk assessment and cost-benefit analysis on issuance of permits or even modifications to the permitting process. In my opinion this is the classic definition of an unfunded mandate.

Not only that, but the bill, as written, allows courts to determine the criteria for sound science, the impact which will certainly be endless lawsuits.

Remember, my colleagues, it was 1991, after the Reagan-administration-appointed judge who, after reviewing thousands of pages of scientific assessments, imposed a logging ban across much of the Pacific Northwest to protect the spotted owl.

Finally, and unbelievably, as written H.R. 1022 allows individuals with a vested interest in the outcome to sit on peer review panels.

Curiously, this contract that was created by legislators rightly concerned about the exercise of power by unelected bureaucrats would give the power to delay new regulations, some needed, to unelected peer review panels and the courts. I am for reform, as I said, but this bill must have substantive change to be worthy of its title.

Mr. Chairman, in our haste to meet an arbitrary deadline on this legislation let us, please, not make an intolerable situation more intolerable.

Mr. BLILEY. Mr. Chairman, I reserve the balance of my time.

Mr. DINGELL. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I rise because of concerns about H.R. 1022.

First of all, I am proud to live in a nation with the cleanest air, the purest food, the safest drinking water, the safest products, the safest working conditions, of any country in the world. I am proud of that. I think that obviously the people of this country are proud of the working conditions, proud of the clean air, and safe drinking water, and pure food laws, and the consensus that this country has arrived at on both sides of the aisle in making the standard of living in this country as high as it is and making the environment in this country as good as it is.

I live on Lake Erie in Lorain, Ohio, 25 or so miles west of Cleveland. Twenty years ago parts of Lake Erie were literally dead. The Cuyahoga River caught on fire in the city of Cleveland. Today—as I said, I live on the lake. I have two daughters that swim in Lake Erie. People drink the water in Lake Erie. It is a wonderful resource for all kinds of commercial purposes, for all kinds of activities around the lake, and we have been able to do that in this country because of the cooperation of business and the cooperative of government and the active citizens that have cleaned up that lake and made it safe and made it what we would like it to be.

Certainly sometimes government does overreach, and, when government does overreach, it is up to us to deal with those regulations one by one, not with a meat axe approach like H.R. 1022 does, but to deal with it case by case. That is why I support risk assessment. That is why I support good scientific based information, risk assessment, cost-benefit analysis. That is why it makes sense to do it case by case by case, not the way that H.R. 1022 does.

What H.R. 1022 will bring to this society in this government is more regulation, more bureaucracy, more lawyers, more litigation. That is why many groups around the country have called this the lawyers' full employment bill. It simply does not make sense to pile more government, more bureaucracy, more litigation, more lawyers on top of what we now have. It simply does not make sense.

The gentleman from California [Mr. BROWN] and I will offer a substitute amendment later this evening. It will set a higher threshold for rulemaking which will save government money and save private sector money. It will allow for appropriate judicial review which will cut the costs of litigation, will mean fewer lawyers rather than more lawyers. It will mean less litigation rather than more litigation, and the Brown-Brown substitute will provide for peer review with no conflict of interest so that, when regulations are considered under risk assessment, that the decisions will be made fairly, without undue private interference from those groups, or those industries or those businesses that have something to gain by that interference. The substitute, the Brown-Brown substitute which we will offer later, means less money, less litigation, less bureaucracy, less conflict of interest. It simply makes sense, Mr. Chairman.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. TIAHRT].

(Mr. TIAHRT asked and was given permission to revise and extend his remarks.)

Mr. TIAHRT. Mr. Chairman, for the last 40 years Washington, government, has been taxing and strangling both American families and American jobs, and let there be no doubt. Unneeded regulations are nothing more than a tax on the American public. I say to my colleagues, ''You and I have paid the bill for the cost shifting of increased prices associated with the things we need to purchase. According to the Alliance for Reasonable Regulations, it is now estimated that the effective cost to an average family is over $6,000 per year. That's why the House passed in a bipartisan vote a moratorium on new regulations. Six thousand dollars a year for irresponsible, unneeded, expensive regulations prevents parents from keeping enough food, enough of their hard-earned money, to buy food and clothing and provide a comfortable living for their children.''

Remember the cost of regulation is the most regressive type of tax because both the poor and the rich pay the same, and it is harder for the poor families. So, if we care about our kids and our families, and we all do, we should start to reduce the burden of unnecessary regulations and start to apply some common sense.

I urge a vote for H.R. 1022, a vote for sound science and reasonable regulation.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE. Mr. Chairman, risk assessment and cost-benefit analysis, a resounding yes.

However, Mr. Chairman, House Resolution 1022 has been developed far too hastily to be considered as a sound policy prescriptive for public health, safety and environmental regulatory standards. This bill imposes inflexible and unrealistic requirements for regulatory analysis and decision making. Our Federal agencies will have to spend more time scrutinizing the regulations than gathering a base of research to support the proposed rule, the business that they should be in. The effect of this bill would be nothing more than to slow the regulatory rule-making business down to a crawl, and we cannot even begin to speculate what kind of effect such restrictions would have on public safety and public health. These administrative burdens are projected to cost at least $250 million a year if this particular bill is implemented, but yet we stand here, Mr. Chairman, and say that we want to cut costs and make government more efficient.

We are creating problems rather than addressing them. Between expanding the scope of judicial review for virtually all Federal rules aimed at protecting health, safety or the environment and in a single broad stroke superseding various provisions of such laws, this bill becomes to a certain extent the mother of all risks.

□ 1715

We are risking public health, public safety, and threatening our environment. This Risk Assessment and Cost-benefit Act presently before us is more of a cost than a benefit. I urge my colleagues to solve the real problem the real way, with less bureaucracy.

I might add, if I can, Mr. Chairman, to simply query the gentleman from Pennsylvania [Mr. WALKER], because I heard him complaining about, and I am a new Member, the high cost of asbestos removal regulations. I was just wondering as to when that particular rule was implemented. I was just wondering, as I am a new Member, why you mentioned the asbestos removal regulations that many of us did operate under. I am from local government. We had to respond to it. But I was wondering, since you mentioned it, whether you knew when that rule was implemented.

Mr. WALKER. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I think it was during the 1980's.

Ms. JACKSON-LEE. I think it was during the Reagan administration. I would ask for your comment, at the time it was done under a Republican administration, the concern was we were trying to resolve this as it related to our children. We were looking to improve the safety conditions of our children, and I think we were working with the present scientific technology at that time.

Mr. WALKER. If the gentlewoman would yield, the problem is that even in the Reagan administration bureaucrats are bureaucrats, and they did not have any mandate to do good science. We are going to mandate them to do good science. It would have prevented that mistake from being made, whether it was during the Reagan, Carter, or Clinton administration. This bill is designed to make certain we do not have to go through that kind of problem once again. It was a disaster.

Ms. JACKSON-LEE. I wholeheartedly agree with you that we need good science. I think the science used at that time was the best science they could use, and I think we must be cognizant of that and be sure that we do nothing to damage the health and safety of our children.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

The CHAIRMAN. The gentleman from Florida [Mr. MICA] is recognized for 3 minutes.

(Mr. MICA asked and was given permission to revise and extend his remarks.)

Mr. MICA. Mr. Chairman, my colleagues in the House of Representatives, regardless of what you have heard in the debate today, this is really a well-crafted bill. It is incredible to hear the opponents whine against this bill, because this bill does not do any of the things to any of the regulations they are talking about. This bill does not go back. This bill is not retroactive. This bill is prospective. This bill gives the President a say in this risk assessment process. This bill gives the agencies a say in this risk assessment process.

This is a well-crafted, sound piece of legislation. Let me tell you something else this bill does for the future. Current law in many instances prohibits the use of cost as a criteria in assessing risks and benefits. This bill says for the first time that we will use a cost-benefit and risk assessment based on a set of criteria that makes sense in an orderly procedure.

Let me give you some examples, if I may, of ridiculous approaches to requirements to assess risk right now. In 1992, OSHA cited a two-person company for not having material safety data sheets for Windex and Joy cleaning solutions. Here is a material safety data sheet that they are required to fill out. Is that a good use of our resources?

EPA rules force dentists to keep logs for possession an disposal of White-Out. Here is White-Out correction fluid. It is classified as a hazardous waste. Is that a good use of our resources?

Mr. Chairman, let me give you one more example—strawberries. Strawberries, EPA limits benzene to 5 parts per billion in drinking water. Strawberries naturally have 50 parts per billion. Does this make sense? Is this how we are protecting public health, safety and welfare? I say not.

GAO cited in a study to this Congress that politics is the main criteria for choosing cleanup sites. What does that say to our children in inner cities? What does that say to the real risk to human life and human limb?

Limited resources require that we do a better job. Let me quote John Graham, a Harvard professor, who said, ''Sound science means saving the most lives and achieving the most ecological protection with our scarce budgets. Without sound science, we are engaging in a form of 'statistical murder,' where we squander our resources on phantom risks when our families continue to be endangered by real risks.''

So this legislation today for the first time gives some direction to an agency like EPA, like OSHA, and says these are the risks. This is the way we will address these risks, and we will use cost-benefit analysis in the process. It is a good piece of legislation, and I urge Members to support it.

Mr. DINGELL. Mr. Chairman, how much time remains amongst the several of us allocating time?

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] has 5 minutes remaining, the gentleman from Virginia [Mr. BLILEY] has 10 minutes remaining, the gentleman from California [Mr. BROWN] has 5 minutes remaining, and the gentleman from Pennsylvania [Mr. WALKER] has 7 minutes remaining.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, the opponents of this bill would like the American people to believe that their health and safety will be jeopardized if this legislation passes, but nothing could be further from the truth. The American people have had to endure radical environmentalists screaming lies into their face for far too long. This bill insists that government will be basing its decisions on sound science, peer review, and cost-benefit analysis.

What really is at issue here is the ability of power-hungry bureaucrats to intimidate the homeowner or the farmer or the small businessman or woman at will. It is a stake in the heart of big brother government.

From now on, if local government and small enterprise is going to be driven out of business, it has got to be justified, and it has got to be justified on a reasonable condition, rather than just pandering to the paranoid screams of environmental Chicken Littles. In hearings before the Committee on Science, we watched as bureaucrats shed crocodile tears because this bill would cause unacceptable delays that would cost more and add layers of bureaucracy to their departments. In other words, Mr. Chairman, they are opposed to this bill because it would impose the same burdens on them that they have been imposing on the American people.

Perhaps if this bill had been in effect, our public schools would not have been forced to spend $10 billion on a nonexistent asbestos problem, and instead could have used the money for educating our children. There are numerous examples of this monstrously costly nonsense, from cyclamates to alar, from lead paint to cranberries causing cancer.

A vote for H.R. 1022 is a vote for rational regulation, sound science, and a vote against Big Brother bureaucracy. It is a vote for prosperity and safety for our people. I urge all of my colleagues to join with me in supporting this bill.

Mr. BLILEY. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio [Mr. OXLEY], the chairman of the subcommittee.

(Mr. OXLEY asked and was given permission to revise and extend his remarks.)

Mr. OXLEY. Mr. Chairman, I rise in support of the legislation. The Risk Assessment and Cost-benefit Act of 1995 achieves two fundamental objectives. First, the bill ensures that the system of assessing risks and communicating that information to decision makers in the public is objective, unbiased and informative.

Second, it ensures that the Federal regulatory process has an enforceable system that considers the incremental costs and benefits of each significant option for every piece of major legislation. I think that makes good common sense in the sense of common sense legal reform that we are trying to bring about.

Mr. Chairman, I had an opportunity to look at the Wall Street Journal just last week in which I found a very interesting column that was titled ''In Search of Zero Risk.'' It was written by a Kathryn Kelly, a principal of ERM—Environmental Toxicology International in Seattle, WA, who had some interesting points to make in terms of what we are looking at in our existing environmental standards.

She says the ''acceptable risk'' criterion on which much of the current environmental regulation is premised has no basis in scientific fact, has received no serious review, and was in fact ''pulled out of a hat.'' At issue is the so-called ''one-in-a-million'' standard of acceptable risk for environmental contaminants.

She goes on to talk about how they talked to several people that were involved in this risk assessment and how they came to this one-in-a-million risk. I think the Members will find it interesting.

She says, ''What is the origin of this criterion which has cost society billions of dollars? In 1991 my firm set out to solve this mystery. We contacted officials from the Bush White House, the Environmental Protection Agency, the Food and Drug Administration, the Congressional Office of Technology Assessment, and activist groups such as Greenpeace. The result, no one, not even the very Federal officials who currently use the one-in-a-million standard, knew what it was based on.''

A sample of the responses: ''My mind is a complete blank.'' ''My, what an interesting question.'' ''It is an economic criterion, whatever that means.'' ''It is based on the chance of being hit by lightning, which is one in a million.'' ''It was a purely political decision made by several of the major agencies behind closed doors in the 1970's. I doubt very much you will get anyone to talk to you about it.'' Our personal favorite: ''You really shouldn't be asking these questions.'' This from one of the Federal agencies.

Now, I ask you, does the response from these so-called agencies make sense whatsoever in the real world? If you look at the statutes that we are dealing with, the Clean Water Act, the Clean Air Act, the recent alar scare, the recent flap over asbestos in schools, you have to say to yourself, we have gone far too much in the wrong direction in trying to set these particular standards.

It is unconscionable for a school district the size of mine in a town of 35,000 people to have to spend over $3 million removing asbestos from the school system that was found later to be perfectly safe, and was in fact safer had they left it alone than if they tried to get it out and put it back in the air.

Or let us look at the Clean Air Act. You talk about a political decision. All of us remember, of course, the study that was commissioned where we spent over $600 million to study clean air, and particularly acid rain. I am glad to see my friend from California show up, because he was responsible for this mishmash that is the Clean Air Act.

We had this NAPAP report. The NAPAP report supposedly was going to give us the information we needed to craft a good and effective clean air bill. What happened? In the tradition of the Congress, ready, fire, aim, the Congress actually passed a clean air bill before the NAPAP report came out. When the NAPAP report came out several months later, it was found that we were clearly killing a fly with a sledgehammer. That has meant in my home State of Ohio an increase already of 14 percent for my electric rates for my constituents and constituents of other Ohio Members.

Now, I ask you, does that really make any sense? Can you stand here and make a legitimate argument that after the NAPAP report came out, that the clean air bill, particularly as it related to SO_2 made any sense? This is a good bill, it is a fair bill, it is balanced, it makes sense for America, and let us get on with it.

Mr. Chairman, the Risk Assessment and Cost-Benefit Act of 1995 achieves two fundamental objectives. First, the bill ensures that the system of assessing risks and communicating that information to decisionmakers and the public is objective, unbiased and informative. Second, it ensures that the Federal regulatory process has an enforceable system that considers the incremental costs and benefits of each significant option for every piece of major regulation.

The biggest problem faced in preparing this legislation is that so many early laws simply provide for, or even allow for, these rules of reason. The bill states that three rules of reason must be met notwithstanding prior law. The act requires Federal agencies to certify that:

(1) risk assessments and cost analyses are objective and unbiased;

(2) the incremental risk reduction or other benefits of a major rule will be likely to justify, and be reasonably related to, the incremental costs; and

(3) that the regulation is either more cost-effective or provides more flexibility to State, local, or tribal governments or regulated entities than the other options considered.

I believe these are sound and reasonable principles. The current costs of Federal regulatory programs are estimated between $430 and $700 billion and increasing every day. Yet, Congress has never in any significant way reformed a Federal regulatory program to consider sound risk assessments and incremental cost-benefit analysis.

Real reform means you must supersede the inconsistent old requirements to the extent they are not reasonable. We know this is a novel concept in a legislative body that has only added more regulatory programs and to a Federal bureaucracy defending its own weak programs.

Why should we preserve a system based on biased risk assessments? Why should we preserve a system where costs are unjustified or unreasonable? Why should we preserve a system where regulations are inflexible or not cost-effective?

Simply put, if the bureaucrats can't justify their rules, we should not continue to add more and more regulations with major costs.

The debate over the last number of years has revealed strong differences among some Members about the role of the Federal Government and risk assessment and cost-benefit analysis. The view from outside the Washington beltway, from Governors, mayors, school boards and small and large businesses, is that there is a serious problem concerning the credibility and impact of Federal regulatory programs.

A number of Members, however, believe that rules which increase annual costs between $25 and $100 million should not be subject to cost-benefit requirements. Many of these same Members advocate that risk and cost-benefit legislation should essentially be unenforceable. In my view, such an approach would shield the Federal bureaucracy from real accountability and effectively neuter the legislation.

I am further reminded of how those who oppose judicial review for the Federal bureaucrats were eagerly prepared to impose penalties under the Toxic Substances Control Act on ordinary homeowners during real estate transactions. Last year I opposed Radon legislation which placed requirements on ordinary homesellers and even those who rented out rooms. Republicans argued that such an approach intruded on State law and would swamp the Federal courts with millions of violations during ordinary real estate transactions.

We asked EPA to justify its support when the possible penalties were as high as $10,000 for failing to hand out a hazard information pamphlet. I offered an amendment to remove this provision, but the Administration and the Democratic leadership prevailed. Moreover, the League of Conservation Voters scored my amendment as an anti-environmental vote.

I think I can guarantee that such an approach to expand the Federal regulatory octopus to ordinary homeowners will not occur this Congress.

I am struck, however, by the double standard and the passionate defense of the Federal bureaucracy by the same Members so willing to impose Federal penalties and litigation on ordinary homeowners. Congress has simply added new regulatory program upon new regulatory program. America is long over due for real change.

I strongly support H.R. 1022, the Risk Assessment and Cost-Benefit Act. The bill provides a strong, enforceable system of accountability, disclosure, peer review, and careful analysis of regulatory alternatives. This is a critical building block for Federal regulatory programs to ensure that our national resources reduce real risks and set realistic priorities.

Mr. WALKER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BAKER].

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Mr. BAKER of California. Mr. Chairman, in his book ''Breaking the Vicious Circle,'' Supreme Court Justice Stephen Breyer tells the story of a case he tried while he was on the First Circuit Court of Appeals. The case U.S. versus Ottati and Gross, involved a toxic waste site that had been substantially cleaned-up, so much so that small children could eat small amounts of dirt from the site for 70 days every year with no ill effects.

Enter the Environmental Protection, Agency. The E.P.A. wanted the owners of the dump to spend an additional $9.3 million to make the site clean enough so that children could eat dirt there for 245 days annually—despite the facts that the site was in the middle of a swamp, no children played there and that the E.P.A. acknowledged that much of the remaining waste would evaporate by the year 2000.

Mr. Chairman, as this amazing story demonstrates, we need risk assessment reform. The Republican plan strikes a balance between environmental protection and human safety, on the one

hand, and environmental extremism and bureaucratic excess on the other. Burdening the private sector with costly and useless regulations undermines the cause of a sound environment, and costs jobs in the process.

In fact, Mr. Chairman, even the Clinton administration has admitted that the cost of private sector compliance with Federal regulations to be $430 billion annually—a full 9 percent of the gross domestic product. Other studies indicate that the true cost could be double this amount.

The Republican risk assessment plan requires Federal agencies that issue health, safety or environmental regulations to perform risk assessment and cost-benefit analysis for any rule that would cost the economy $25 million or more. Our bill establishes peer review programs so that experts from outside the Government and ordinary citizens affected by Federal rules can give their imput. And our plan says that the President has to set regulatory priorities and report to Congress, every 2 years, on how to implement them.

Mr. Chairman, we need risk assessment to protect our citizens from the worst excess of zealous regulators. Let's act now before the bureaucrats strike again.

Mr. BROWN of California. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, Mr. PETE GEREN.

(Mr. PETE GEREN of Texas asked and was given permission to revise and extend his remarks.)

Mr. PETE GEREN of Texas. Mr. Chairman, I rise in support of H.R. 1022 and the peer review process contained therein. Any true regulatory reform must have as a fundamental principle a methodical process to evaluate the relative risk of a proposed regulation. That is where peer review comes in, and it is an integral part of this bill.

Some critics have voiced skepticism over the peer review provision of H.R. 1022 because it does not require peer reviewers to be excluded solely because they represent entities that may have an interest in the regulation. Some feel that this sets a dangerous precedent, inviting conflicts of interest. Not only is there precedent for such peer review panels, Congress has in certain instances required panels to include labor, industry and others involved in an issue so that balance is achieved in a peer review process.

Under the provisions of this bill, the panels are required to be balanced and all panel members must fully disclose any interest they have in the outcome. This same practice has been followed by a number of advisory boards already in existence set up by the Federal Government. For example, under the National Environmental Policy Act, the Science Advisory Board was established to conduct peer review of any proposed standard, limitation or regulation administered by the Environmental Protection Agency. The Science Advisory Board is required to be composed of at least nine members with the only qualification being education, training and experience in evaluating scientific and technical information. Nowhere does it dictate who should or should not participate in the decisions because of their affiliation.

Scientific integrity has been maintained under the Science Advisory Board. Nothing has been compromised.

In another example, the Occupational Safety and Health Act established the National Advisory Committee on Occupational Safety and Health to advise, consult with and make recommendations to the Secretary of Labor on issues under OSHA. Specifically, the committee is to be composed of representatives of management, labor, occupational safety and occupational health professions and the public. Clearly, all of these parties have a stake in the decisions made by this committee, but none is barred by participation based on that interest.

The Energy Policy Act, passed by Congress in 1992, also requires the establishment of a peer review panel, and there are no requirements based on interest in the outcome.

Mr. Chairman, the provisions of the peer review process of this bill are sound, and I urge support of this bill.

Mr. BLILEY. Mr. Chairman, I yield 1 minute to the gentleman from Idaho, [Mr. CRAPO], a member of the committee.

Mr. CRAPO. Mr. Chairman, it is an important time that we have reached finally in the debate for regulatory reform. People across America know all of the examples, the schools that are facing a tremendous burden our regulations put on them, the libraries across our country, the hospitals, the people in every walk of life who have to face the significant requirements that are burdens of our regulations put upon them to require them to increase the safety to vary increasingly minute risks with virtually no analysis of whether the cost of reaching those increasingly minute risks or safety factors are justified.

Today we have an opportunity to correct that, to require that common sense be applied when we are crafting regulations, to require that when we say that a certain goal is something that should be reached by the people in this country, that we know what it is going to cost them and that the benefits that are going to be gained by that expenditure money are justified by the analysis. This is what the American people want. It is no less than we should give them in the administration of our laws.

Mr. DINGELL. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Arkansas [Mrs. LINCOLN].

(Mrs. LINCOLN asked and was given permission to revise and extend her remarks.)

Mrs. LINCOLN. Mr. Chairman, I rise as a strong proponent of risk assessment and effective government and cost-benefit analysis.

Having grown up on a farm in eastern Arkansas and having seen in person both the tremendous waste, that government regulations can assist us in preserving our environment and our surroundings but also in being overburdensome as well as top heavy in regulatory needs. Risk assessment is a vital tool in forming cost-effective and well-reasoned federal regulations. It should be used to create a better and responsive Federal Government, not stymie things down with court actions or excessive delay.

But I do have some concerns that the bill we are looking at today, this will happen under the current bill. Before we consider H.R. 1022 further, we may have to take a time-out to do a cost-benefit analysis on this bill. CBO has made some conservative estimates that the bill will cost the Federal Government an additional 250 million a year to conduct risk assessment. This breaks down to approximately 5,000 new federal employees, including many new lawyers hired to defend agency actions.

As we look at this bill today, I hope that we will work in bipartisan fashion to make it better so that it will be of great assistance to all of us across the Nation in making government more effective.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, there is an article that is working its way around the Capitol entitled, ''Whatever Happened to Common Sense.'' I think that is really what we are talking about with this bill today.

I want to share with my colleagues two examples of people who have been in my office in the last two weeks.

One of them was a cardiologist from my district. He was in town for a convention. They were talking about some of the technologies that are available today in Europe, Japan and even in Israel that are not available in the United States because of the bureaucratic tangle that they have to go through to get FDA approval.

A second gentleman runs a little three-person business, and it is not in my district, but he has a partner in my district that by his own count, last year, they had to fill out 6,243 pages of bureaucratic paperwork. Whatever happened to common sense?

That is what is before us today. I think the American people are tired of $50 solutions to $5 problems. We need H.R. 1022, and we need it now.

Mr. BROWN of California. Mr. Chairman, I yield myself the balance of my time.

We have had, as I have indicated before, an illuminating debate on this issue. But I think it needs to be stressed again that there is no basic difference on either side as to what we are trying to achieve. We want a more rational, less expensive, more common sense, to use the phrase of the last speaker, system of regulation. What

seems to be causing us problems is a discussion of how we go about achieving this very desirable goal.

I have pointed out in earlier remarks that every administration in my experience here, which goes back 32 years, has sought to achieve this same goal and failed. And most of those were Republican presidents, I might say. So I presume the response of the other side is, well, it was a democratic Congress that prevented these things from happening.

That is not the case. The situation has been that those, many of us in Congress equally wanted to do that, but the situation did not point to an easy solution. It still does not.

Unfortunately, on the other side, they believe that they have an easy solution. I think this is best illustrated by some of the anecdotes that we have heard here.

The Republicans have done a very good job of packaging this as well as their other contract items. In critical areas they have used the argument that this is for the children. This always gets a marvelous 80 percent response. If it is for the children, maybe 90 percent in some cases, that is the thing that needs to be done.

What happened in the alar case? It was not EPA regulation. It was the Natural Resources Defense Council which held a press conference which belabored EPA for not regulating alar. And what happened then? Sixty Minutes picked it up and said, look what is happening to our children because they are being exposed to this poison. And EPA did not anticipate the undue concentration of apple juice in the diet of little children. And the demand was overwhelming throughout the United States for EPA to regulate more strictly than they had.

Now, the same thing has happened in cases of asbestos, for example. It is well known that asbestos kills. It leads to a deadly, fatal lung disease. I was exposed to that problem 30 years ago, when workers at the naval shipyard came to me and said that they were getting sick and dying, and it was the children living in schools where there was asbestos insulation that caused the furor for asbestos regulation. I do not think that there was ever any mandate from EPA to regulate it, but there was a huge, popular demand from school boards and parents all over this country.

Beware what you are doing because you may hurt some little children, and it will come back and bite you.

Mr. BLILEY. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BILBRAY], a member of the committee.

(Mr. BILBRAY asked and was given permission to revise and extend his remarks.)

Mr. BILBRAY. Mr. Chairman, earlier today a colleague of mine on the Committee on Commerce made a reference to outrageous regulations and paperwork that government would have to do if this bill passed. Well, let me tell Members something. On the first day we actually passed a law that said that Congress will start living under the rules we set for other people. Maybe this bill is saying, government will start living by the rules that everybody in the United States has to live under, that we have to consider the cost-effectiveness of our actions before we initiate them.

I find it ironic to see the people that have been screaming for years that we need more regulation and more paperwork now point to a situation where we are asking government to reciprocate, all at once they are worried about it.

Mr. Chairman, my colleagues and I who work on environmental issues throughout this Nation, I for one in California, have been appalled over the years that the fact that our environmental regulations sent down from Washington have not had the effect of protecting the public in a manner that would be the most cost-effective and, thus, avoiding benefit that could be perpetuated if we were focusing on cost-effectiveness.

In California, Mr. Chairman, we have for decades had a mandate for cost-effectiveness. It has not been a barrier to protecting the public health. It has been one of our greatest successes.

In fact, in our Clean Air strategies, which I think all of us would agree is one of most successful programs in this country, California's clean air strategies have been made successful because we have a cost-effectiveness mandate, not regardless thereof.

I think that we also need to point out, Mr. Chairman, that we are talking about the public health when we are talking about cost-effectiveness. We are talking about bringing some reasonable, logic into the formulation of our public health strategy. And I know there may be Members of this body that may get nervous when we talk about common sense and reasonableness, but that is all we are talking about here.

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We are not talking about dollars and cents, we are not talking about business. From this Member's point of view, when we talk cost-effectiveness, we talk about getting the most public health benefit for every dollar spent. The equates into the public health of our children, and without it, our children would be exposed.

Mr. Chairman, I ask for support of this item, for our children's public health.

Mr. DINGELL. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from California [Mr. WAXMAN].

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Chairman, I oppose this legislation for three reasons: it is a fraud, it is a rollback of 25 years of environmental progress, and it is just plain stupid. Let me explain what I mean.

The proponents of this bill say that it is designed to improve the regulatory process. They say that all it does is inject common sense in the form of risk assessment, and cost-benefit analysis into rule-making process. This is a fraud. This bill is not about improving rulemaking, it is not about risk assessment or cost-benefit analysis.

These are tools used now, wisely. They are very helpful in deciding what regulations are appropriate, but what they in fact do is create in this bill so many procedural hurdles to regulations that Federal agencies will simply be unable to protect the public health and the environment any more.

Mr. Chairman, let me show the Members what I mean. I have a chart, and this chart illustrates the rulemaking maze created by H.R. 1022 and other components of the so-called Contract With America. The legislation adds so many review requirements that it will be virtually impossible for any agency to issue new rules.

Agencies have to perform risk assessments, cost benefit analyses, cost effectiveness analyses, flexibility analyses, comparative risk analyses, to name only a few of the new requirements. The Environmental Protection Agency has told us that to comply with these new requirements they will need 1,000 new employees.

The Food and Drug Administration has told us that issuing even simple rules, like standards to improve the detection of breast cancer during mammographies, could be delayed up to 2 years. Is this common sense? I doubt it.

If an agency ever gets through this maze, it is then open to judicial review. H.R. 1022 makes the agency's risk assessments, cost-benefit analyses, all the other activities, subject to a court action, a lawyer's dream.

Any industry that does not like the regulation that comes out of that maze can go into court and challenge the regulation, tie it up for years. These two charts that I have up now illustrate 60 new grounds for challenging agency actions; let me repeat that, 60 new grounds to go into court.

That is laying it out for the lawyers to be able to tie up regulations that some big industry polluter does not like. For instance, a regulation can be challenged on the basis that the risk assessment did not sufficiently discuss laboratory data, or did not adequately discuss comparative physiology or pharmacokinetics.

This is a fraud on the American people. The Members supporting this legislation are telling us they want to improve and streamline the rulemaking process. The truth, which they know but are not willing to tell the American people, is just the opposite. This legislation adds so many new procedural requirements it would allow any industry that opposes a new regulation

to delay and litigate the regulation to death, no matter how essential that regulation may be.

Mr. Chairman, this legislation is a rollback of 25 years of health and environmental progress: the Clean Air Act, the Clean Water Act, the safe drinking water laws, the Toxic Substances Act. All of these laws have been successful. The air is cleaner in so many parts of our country. You can swim in areas which in fact in the past have been too polluted to even stick your toe in, and the drinking water is going to be improved and has been improved throughout the country.

However, the laws that are now being proposed this week would supersede all of the laws that I have mentioned and many others with a new set of requirements to roll back those standards.

I urge my colleagues to oppose this legislation. It is a rollback of important legislation that protects the health and the environment, and it just is not common sense.

Mr. BLILEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. SCHAEFER].

(Mr. SCHAEFER asked and was given permission to revise and extend his remarks.)

Mr. SCHAEFER. Mr. Chairman, I rise today in strong support of the Risk Assessment and Cost-Benefit Act of 1995. This commonsense legislation will reform the way in which regulatory agencies set their rulemaking priorities.

People across the country want regulatory reform. A recent article in the Washington Post cited a study showing that 69 percent of the public thinks that the Federal Government controls too much of our daily lives. People find it hard to believe that we are devoting precious resources to address risks that are so remote as to be negligible. We need rules that are rationally based, work better, and cost less.

Government agencies, as well as private individuals and businesses, will benefit from risk assessment and cost benefit analysis. For instance, DOE is currently required to clean up sites across the country from its nuclear and weapons activities. These cleanups are subject to the requirements of RCRA and superfund. To the extent we add, through this legislation, reasonableness to the regulatory process, agencies of Government will benefit.

The Risk Assessment and Cost-Benefit Act will not undermine needed Federal safety guidelines nor will it prevent the Government from dealing with real environmental dangers. Instead, it asks Federal agencies to pursue the best alternative for the taxpayers' dollar. It is my view that the Government should justify the reasonableness of what it is doing to improve our citizens' lives, and that is exactly what this legislation is designed to accomplish.

Some opponents of the measure decry it as a burden on the Federal regulatory bureaucracy. A burden on quick Federal regulation. I believe this is exactly what is needed. It is not unreasonable to ask the Federal Government to thoroughly review its regulation criteria to ensure the regulations are needed and efficient.

Mr. Chairman, this legislation makes sense and is long overdue. I urge my colleagues' support.

Mr. BLILEY. Mr. Chairman, I yield the balance of my time to the gentleman from Florida [Mr. STEARNS].

(Mr. STEARNS asked and was given permission to revise and extend his remarks.)

Mr. STEARNS. Mr. Chairman, I thank the gentleman from Virginia for yielding to me, and I thank the gentleman from Pennsylvania [Mr. WALKER], the chairman of the Committee on Science, for one great bill that we got out of Congress.

I might say to the gentleman from California [Mr. WAXMAN] who preceded me that his other colleague pointed out that he wishes his party could have offered this legislation in the intervening 40 years since Republicans have been a majority, so he does not think it is a fraud. He does not think it is stupid. In fact, many people feel that this particular bill's time has come.

Obviously, Mr. Chairman, I rise in strong support of H.R. 1022, the Risk Assessment and Cost Benefit Act of 1995. Many of us know that we spend up until the 15th of May to pay our taxes. That is how long we work to pay our taxes. We go to the 15th of July to pay for the regulations.

This legislation represents the Republicans' commitment to achieve true reform of the way government works, and more importantly, it brings us closer to fulfilling the promise that we made to the American people.

I find it some concern that there could be any opposition to this legislation, for truly, it is one of the most common sense bills we have brought before the House. It takes a rational look at irrational regulatory process. It forces agencies to slow down and look long and hard at each proposed rule.

It forces out irrational regulation based upon upward bound technology, and implements, instead, a process that is both rational and fair. Rules and regulations would still exist, but they would finally be based upon sound science.

This bill would force the Federal Government to live under the same rational rules that govern American households and businesses. The bill would require regulators to use their brains when making rules. They could no longer base their overly draconian regulations on the highest available technology, an idea that has led to a huge amount of increased regulatory burden on American taxpayers.

Therefore, Mr. Chairman, I support and I urge all my colleagues to support this bill. Its time has finally come.

Mr. WALKER. Mr. Chairman, I yield myself the remainder of my time.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. WALKER] is recognized for 2 minutes.

Mr. WALKER. Mr. Chairman, as we conclude the debate, it seems to me that the main complaint we have heard from the opposition is the fact that we seem to be doing more in 4 months than they were able to do in 40 years in terms of trying to deal with regulations.

Nearly everybody that got up said they are for the intent of this bill. That is always the case. They are for it, they say, but not now, not soon, and perhaps not ever.

Mr. Chairman, I think what we need to look at is the reality of where we are in this country today. Some have actually gotten up here and defended the present regulatory climate. The gentleman from California showed his chart, and he was all concerned about the fact that the regulators would actually have to do something about trying to make themselves more real in terms of science.

Let us look at what is really happening in terms of this bill. This is the present regulatory climate, created by people who are now opposing this bill. All we are doing is we are adding four little boxes to the whole thing.

What we are saying to the regulators is ''You impose all of this on the economy as a whole, you impose this on business, you impose this on individuals. Now we are going to ask you, in four little places, to do a little bit more.'' Now what we will get out of that is good science, we will get better regulations.

Let me tell the Members who should be for this bill: anyone who has ever seen some Government regulations in some area he knows something about and thought or said ''That is really stupid. That person ought to be for this bill, because there is a lot of stupid regulation that goes on out there.'' American knows there are too many stupid Government regulations.

This bill gives us a chance to stop being dumb and dumber, this bill gives us a chance to be smart and sensible. What this bill says is that the country has already undergone all kinds of turmoil as a result of what we have done in Government regulations. It is high time that bureaucrats also have to take a look at what they are doing. They have to apply good science, they have to apply common sense.

Good science and common sense, that is what we are debating here. Some are for it, some are against it.

Mr. BILBRAY. Mr. Chairman, I rise today in strong support of H.R. 1022, the Risk Assessment and Cost-Benefit Analysis Act of 1995.

We have reached a point in our regulatory infrastructure where we have come to value to process over the product. Our goal should be to provide the best possible service to all Americans in terms of our public health and safety regulations.

With this bill, we move a long way towards being able to deliver on this goal.

The fundamental purpose of H.R. 1022 is to present the public, and Federal decisionmakers, with the most objective and unbiased scientific information available, concerning the nature and magnitude of various health, safety and environmental risks.

With this information available, we can help ensure sound regulatory decisionmaking, and improved public awareness.

H.R. 1022 will also require analysis of costs and benefits for major-rulemaking on human health, safety and the environment.

Major rules are defined as regulations that are likely to result in an annual increase of $25 million or more in costs to State, local and tribal governments, or the regulated community.

This is very important, Mr. Chairman, because in an era where we are necessarily focused on downsizing government and reducing federal outlays, it is essential that our available resources are allocated carefully and efficiently.

We can no longer afford, if indeed we ever could, to simply throw money at a perceived problem.

The examples of false alarms and wasted tax dollars are many, and we cannot maintain sound public health standards by setting policy based on the ''crisis du jour.''

In San Diego we have 2 examples of regulations that are costly, and unnecessary and prohibitively burdensome.

The first is the federally mandated secondary sewage standard.

This is a requirement that will cost ratepayers billions and provide little benefit to the public or the environment.

We also have an electronic light rail project that has been held up by various agencies' permitting processes for years.

This is an environmentally beneficial project—one that promotes mass transit and clean air—and yet it has been tangled in a bureaucratic battle with various agencies such as the U.S. Fish and Wildlife Service and Army Corps of Engineers since 1992.

It is truly an example of an environmentally sound public project held hostage by Federal agencies which are supposed to facilitate projects like this.

As the New York Times recently stated, ''. . . environmental policy too often has evolved largely in reaction to popular panics, not in response to sound scientific analysis of which environmental hazards present the greatest risks.

Critics, naysayers, and ''Chicken Littles'' claim that we are ''rolling back 30 years of environmental protection.'' Please.

What we are doing is assuring Americans the greatest degree of regulatory enforcement possible, based on sound science, with the limited resources we have available.

It is unfair and ineffective to do anything short of this.

Mr. Chairman, we have an opportunity here to respond to the American people's call for change, and to restore a measure of sanity and common sense to the Federal oversight which affects so many of them.

I urge my colleagues to deliver on these positive changes, and join me in support of H.R. 1022.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the bill H.R. 1022, the Risk Assessment and Cost-Benefit Act of 1995.

First, let me make clear that I favor having good information about risks so that we can fashion sensible regulations to protect human health and safety and the environment while cutting down on unnecessary bureaucracy. I am also in favor of sound cost-benefit analysis to improve economic efficiency.

But I opposed H.R. 1022 because it does neither. On the contrary, it merely creates more bureaucracy, generate redtape, and reduces efficiency while providing no additional health, safety, or environmental benefits. In short, it is the exact opposite of streamlining government.

The bill mandates a uniform set of regulatory procedures for Federal agencies without flexibility. While the model used to develop the risk assessment principles and guidelines included in the bill may fit some cancer risks, it is entirely inappropriate for regulating highway safety.

Yet the Department of Transportation is required to follow the same rigid and inappropriate procedure to evaluate risks as at EPA. That simply doesn't make sense to me.

What I see is that the bill is sacrificing the Federal Government's ability to protect human health and safety or the environment for the sake of maintaining regulatory uniformity. It will produce bad regulations, and will create an inflexible process that produces nothing but extra paperwork.

Make no mistake, this bill does not benefit the average American; it benefits only corporate interests. It impedes public health and safety or environmental protection while making it easier than ever for businesses to make a quick buck at public expense.

How else can you explain why industry representatives who have an interest in the outcome of a risk assessment are allowed to serve on a peer review panel simply by disclosing that interest? It is preposterous to suggest that such people do not have an unacceptable conflict of interest.

And the bill is a sweet deal for lawyers. By opening up the process of risk assessment to judicial review, opponents of necessary health and environmental protection can tie up the regulatory process virtually forever. No working people, no children, no pregnant women, and no elderly will benefit from endless litigation. But the bill is a ''full employment act'' for lawyers.

This bill is also a back-door way to repeal important environmental legislation enacted in the last quarter century through its super mandate provision. If there are specific statutes or portions of statute that we want to repeal, fine, let's debate them openly and decide their fate. We should not use some procedural sleight of hand to supersede their authority.

Finally, the bill would subject individual permits to the extensive procedural obstacles specified in it. It would grind the clean water permit program, for example, to a screeching halt. The law would require permits, but it could take forever to issue one.

The bottom line is: the bill does not have the people's or the environment's interests at heart, only those of the lawyers and big business.

I urge you to vote no on this bill.

Mr. WALKER. Mr. Chairman, I move the Committee do now rise.

The CHAIRMAN. The question is on the motion offered by the gentleman from Pennsylvania [Mr. WALKER].

The motion was agreed to.

Accordingly the committee rose; and the Speaker pro tempore, Mr. MCHUGH, having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety, and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes had come to no resolution thereon.

VOTE ON HOUSE RESOLUTION 96, PROVIDING FOR THE CONSIDERATION OF H.R. 1022, RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

The SPEAKER pro tempore. The pending business is the question de novo of the vote on House Resolution 96.

The Clerk read the title of the resolution.

For text of House Resolution 96, see prior pages of the RECORD of this date.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. DINGELL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 17-minute vote.

The vote was taken by electronic device, and there were—yeas 253, nays 165, not voting 16, as follows:

[Roll No. 175]

YEAS—253

Allard	Chambliss	Flanagan
Archer	Chenoweth	Foley
Armey	Christensen	Forbes
Bachus	Chrysler	Fowler
Baker (CA)	Clinger	Fox
Baker (LA)	Coble	Franks (CT)
Ballenger	Coburn	Franks (NJ)
Barcia	Collins (GA)	Frelinghuysen
Barr	Combest	Frisa
Barrett (NE)	Condit	Funderburk
Bartlett	Cooley	Ganske
Barton	Cox	Gekas
Bass	Cramer	Geren
Bateman	Crane	Gilchrest
Bereuter	Crapo	Gillmor
Bevill	Cremeans	Gilman
Bilbray	Cubin	Goodlatte
Bilirakis	Cunningham	Goodling
Bliley	Davis	Gordon
Blute	de la Garza	Goss
Boehlert	Deal	Graham
Boehner	DeLay	Greenwood
Bonilla	Diaz-Balart	Gunderson
Bono	Dickey	Gutknecht
Brewster	Doolittle	Hall (TX)
Browder	Dornan	Hancock
Brownback	Dreier	Hansen
Bryant (TN)	Duncan	Hastert
Bunn	Dunn	Hastings (WA)
Bunning	Edwards	Hayworth
Burr	Ehlers	Hefley
Burton	Ehrlich	Heineman
Buyer	Emerson	Herger
Callahan	English	Hilleary
Calvert	Ensign	Hobson
Camp	Everett	Hoekstra
Canady	Ewing	Hoke
Castle	Fawell	Horn
Chabot	Fields (TX)	Hostettler

Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—165

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Beilenson
Bentsen
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McDermott
McHale
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Poshard
Rangel
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—16

Andrews
Becerra
Chapman
Flake
Ford
Gallegly
Gibbons
Gonzalez
Hunter
Lipinski
McKinney
Mfume
Rahall
Roukema
Rush
Wilson

□ 1814

Messrs. GENE GREEN of Texas, BALDACCI, and MATSUI changed their vote from ''yea'' to ''nay.''

Mr. FLANAGAN changed his vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 926, REGULATORY RELIEF AND REFORM ACT

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–52) on the resolution (H. Res. 100) providing for the consideration of the bill (H.R. 926) to promote regulatory flexibility and enhance public participation in Federal agency rulemaking and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION REQUESTING THE PRESIDENT TO SUBMIT INFORMATION CONCERNING ACTIONS TAKEN THROUGH THE EXCHANGE STABILIZATION FUND TO STRENGTHEN THE MEXICAN PESO AND STABILIZE THE ECONOMY OF MEXICO

Mr. LEACH, from the Committee on Banking and Financial Services, submitted a privileged report (Rept. No. 104–53) on the resolution (H. Res. 80) requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the Mexican economy, which was referred to the Union Calendar and ordered to be printed.

RISK ASSESSMENT AND COST-BENEFIT ACT OF 1995

The SPEAKER pro tempore (Mr. MCHUGH). Pursuant to House Resolution 96 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1022.

□ 1817

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes, with Mr. HASTINGS of Washington in the chair.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 1022 is as follows:

H.R. 1022

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 ''Risk Assessment and Cost-Benefit Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that:

(1) Environmental, health, and safety regulations have led to dramatic improvements in the environment and have significantly reduced human health risk; however, the Federal regulations that have led to these improvements have been more costly and less effective than they could have been; too often, regulatory priorities have not been based upon a realistic consideration of risk, risk reduction opportunities, and costs.

(2) The public and private resources available to address health, safety, and environmental concerns are not unlimited; those resources need to be allocated to address the greatest needs in the most cost-effective manner and so that the incremental costs of regulatory alternatives are reasonably related to the incremental benefits.

(3) To provide more cost-effective and cost-reasonable protection to human health and the environment, regulatory priorities should be based upon realistic consideration of risk; the priority setting process must include scientifically sound, objective, and unbiased risk assessments, comparative risk analysis, and risk management choices that are grounded in cost-benefit principles.

(4) Risk assessment has proven to be a useful decision making tool; however, improvements are needed in both the quality of assessments and the characterization and communication of findings; scientific and other data must be better collected, organized, and evaluated; most importantly, the critical information resulting from a risk assessment must be effectively communicated in an objective and unbiased manner to decision makers, and from decision makers to the public.

(5) The public stake holders must be fully involved in the risk-decision making process. They have the right-to-know about the risks addressed by regulation, the amount of risk to be reduced, the quality of the science used to support decisions, and the cost of implementing and complying with regulations. This knowledge will allow for public scrutiny and promote quality, integrity, and responsiveness of agency decisions.

(6) Although risk assessment is one important method to improve regulatory decision-making, other approaches to secure prompt relief from the burden of unnecessary and overly complex regulations will also be necessary.

SEC. 3. COVERAGE OF ACT.

This Act does not apply to any of the following:

(1) A situation that the head of an affected Federal agency determines to be an emergency. In such circumstance, the head of the agency shall comply with the provisions of this Act within as reasonable a time as is practical.

(2) Activities necessary to maintain military readiness.

(3) Any individual food, drug, or other product label, or to any risk characterization appearing on any such label, if the individual product label is required by law to be approved by a Federal department or agency prior to use.

(4) Approval of State programs or plans by Federal agencies.

SEC. 4. DEFINITIONS

For purposes of this Act:

(1) COSTS.—The term ''costs'' includes the direct and indirect costs to the United States Government, to State, local, and tribal governments, and to the private sector, wage earners, consumers, and the economy, of implementing and complying with a rule or alternative strategy.

(2) BENEFIT.—The term ''benefit'' means the reasonably identifiable significant health, safety, environmental, social and economic benefits that are expected to result directly or indirectly from implementation of a rule or alternative strategy.

(3) MAJOR RULE.—The term ''major rule'' means any regulation that is likely to result in an annual increase in costs of $25,000,000 or more. Such term does not include any regulation or other action taken by an agency to authorize or approve any individual substance or product.

(4) PROGRAM DESIGNED TO PROTECT HUMAN HEALTH.—The term ''program designed to protect human health'' does not include regulatory programs concerning health insurance, health provider services, or health care diagnostic services.

Title I—Risk Assessment and Communication

SEC. 101. SHORT TITLE.

This title may be cited as the ''Risk Assessment and Communication Act of 1995''.

SEC. 102. PURPOSES.

The purposes of this title are—

(1) to present the public and executive branch with the most scientifically objective and unbiased information concerning the nature and magnitude of health, safety, and environmental risks in order to provide for sound regulatory decisions and public education;

(2) to provide for full consideration and discussion of relevant data and potential methodologies;

(3) to require explanation of significant choices in the risk assessment process which will allow for better peer review and public understanding; and

(4) to improve consistency within the executive branch in preparing risk assessments and risk characterizations.

SEC. 103. EFFECTIVE DATE; APPLICABILITY; SAVINGS PROVISIONS.

(a) EFFECTIVE DATE.—Except as otherwise specifically provided in this title, the provisions of this title shall take effect 18 months after the date of enactment of this title.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (3), this title applies to all significant risk assessment documents and significant risk characterization documents, as defined in paragraph (2).

(2) SIGNIFICANT RISK ASSESSMENT DOCUMENT OR SIGNIFICANT RISK CHARACTERIZATION DOCUMENT.—(A) As used in this title, the terms ''significant risk assessment document'' and ''significant risk characterization document'' include, at a minimum, risk assessment documents or risk characterization documents prepared by or on behalf of a covered Federal agency in the implementation of a regulatory program designed to protect human health, safety, or the environment, used as a basis for one of the items referred to in subparagraph (B), and—

(i) included by the agency in that item; or

(ii) inserted by the agency in the administrative record for that item.

(B) The items referred to in subparagraph (A) are the following:

(i) Any proposed or final major rule, including any analysis or certification under title II, promulgated as part of any Federal regulatory program designed to protect human health, safety, or the environment.

(ii) Any proposed or final environmental clean-up plan for a facility or Federal guidelines for the issuance of any such plan. As used in this clause, the term ''environmental clean-up'' means a corrective action under the Solid Waste Disposal Act, a removal or remedial action under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and any other environmental restoration and waste management carried out by or on behalf of a covered Federal agency with respect to any substance other than municipal waste.

(iii) Any proposed or final permit condition placing a restriction on facility siting or operation under Federal laws administered by the Environmental Protection Agency or the Department of the Interior.

(iv) Any report to Congress.

(v) Any regulatory action to place a substance on any official list of carcinogens or toxic or hazardous substances or to place a new health effects value on such list, including the Integrated Risk Information System Database maintained by the Environmental Protection Agency.

(vi) Any guidance, including protocols of general applicability, establishing policy regarding risk assessment or risk characterization.

(C) The terms ''significant risk assessment document'' and ''significant risk characterization document'' shall also include the following:

(i) Any such risk assessment and risk characterization documents provided by a covered Federal agency to the public and which are likely to result in an annual increase in costs of $25,000,000 or more.

(ii) Environmental restoration and waste management carried out by or on behalf of the Department of Defense with respect to any substance other than municipal waste.

(D) Within 15 months after the date of the enactment of this Act, each covered Federal agency administering a regulatory program designed to protect human health, safety, or the environment shall promulgate a rule establishing those additional categories, if any, of risk assessment and risk characterization documents prepared by or on behalf of the covered Federal agency that the agency will consider significant risk assessment documents or significant risk characterization documents for purposes of this title. In establishing such categories, the head of the agency shall consider each of the following:

(i) The benefits of consistent compliance by documents of the covered Federal agency in the categories.

(ii) The administrative burdens of including documents in the categories.

(iii) The need to make expeditious administrative decisions regarding documents in the categories.

(iv) The possible use of a risk assessment or risk characterization in any compilation of risk hazards or health or environmental effects prepared by an agency and commonly made available to, or used by, any Federal, State, or local government agency.

(v) Such other factors as may be appropriate.

(E)(i) Not later than 18 months after the date of the enactment of this Act, the President, acting through the Director of the Office of Management and Budget, shall determine whether any other Federal agencies should be considered covered Federal agencies for purposes of this title. Such determination, with respect to a particular Federal agency, shall be based on the impact of risk assessment documents and risk characterization documents on—

(I) regulatory programs administered by that agency; and

(II) the communication of risk information by that agency to the public.

The effective date of such a determination shall be no later than 6 months after the date of the determination.

(ii) Not later than 15 months after the President, acting through the Director of the Office of Management and Budget, determines pursuant to clause (i) that a Federal agency should be considered a covered Federal agency for purposes of this title, the head of that agency shall promulgate a rule pursuant to subparagraph (D) to establish additional categories of risk assessment and risk characterization documents described in that subparagraph.

(3) EXCEPTIONS.—(A) This title does not apply to risk assessment or risk characterization documents containing risk assessments or risk characterizations performed with respect to the following:

(i) A screening analysis, where appropriately labeled as such, including a screening analysis for purposes of product regulation or premanufacturing notices.

(ii) Any health, safety, or environmental inspections.

(iii) The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

(B) No analysis shall be treated as a screening analysis for purposes of subparagraph (A) if the results of such analysis are used as the basis for imposing restrictions on substances or activities.

(C) The risk assessment principle set forth in section 104(b)(1) need not apply to any risk assessment or risk characterization document described in clause (iii) of paragraph (2)(B). The risk characterization and communication principle set forth in section 105(4) need not apply to any risk assessment or risk characterization document described in clause (v) or (vi) of paragraph (2)(B).

(c) SAVINGS PROVISIONS.—The provisions of this title shall be supplemental to any other provisions of law relating to risk assessments and risk characterizations, except that nothing in this title shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this title shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe risk or provide examples of scientific uncertainty or variability. Nothing in this title shall be construed to require the disclosure of any trade secret or other confidential information.

SEC. 104. PRINCIPLES FOR RISK ASSESSMENT.

(a) IN GENERAL.—The head of each covered Federal agency shall apply the principles set forth in subsection (b) in order to assure that significant risk assessment documents and all of their components distinguish scientific findings from other considerations and are, to the extent feasible, scientifically objective, unbiased, and inclusive of all relevant data and rely, to the extent available and practicable, on scientific findings. Discussions or explanations required under this

section need not be repeated in each risk assessment document as long as there is a reference to the relevant discussion or explanation in another agency document which is available to the public.

(b) PRINCIPLES.—The principles to be applied are as follows:

(1) When discussing human health risks, a significant risk assessment document shall contain a discussion of both relevant laboratory and relevant epidemiological data of sufficient quality which finds, or fails to find, a correlation between health risks and a potential toxin or activity. Where conflicts among such data appear to exist, or where animal data is used as a basis to assess human health, the significant risk assessment document shall, to the extent feasible and appropriate, include discussion of possible reconciliation of conflicting information, and as relevant, differences in study designs, comparative physiology, routes of exposure, bioavailability, pharmacokinetics, and any other relevant factor, including the sufficiency of basic data for review. The discussion of possible reconciliation should indicate whether there is a biological basis to assume a resulting harm in humans. Animal data shall be reviewed with regard to its relevancy to humans.

(2) Where a significant risk assessment document involves selection of any significant assumption, inference, or model, the document shall, to the extent feasible—

(A) present a representative list and explanation of plausible and alternative assumptions, inferences, or models;

(B) explain the basis for any choices;

(C) identify any policy or value judgments;

(D) fully describe any model used in the risk assessment and make explicit the assumptions incorporated in the model; and

(E) indicate the extent to which any significant model has been validated by, or conflicts with, empirical data.

SEC. 105. PRINCIPLES FOR RISK CHARACTERIZATION AND COMMUNICATION.

Each significant risk characterization document shall meet each of the following requirements:

(1) ESTIMATES OF RISK.—The risk characterization shall describe the populations or natural resources which are the subject of the risk characterization. If a numerical estimate of risk is provided, the agency shall, to the extent feasible, provide—

(A) the best estimate or estimates for the specific populations or natural resources which are the subject of the characterization (based on the information available to the Federal agency); and

(B) a statement of the reasonable range of scientific uncertainties.

In addition to such best estimate or estimates, the risk characterization document may present plausible upper-bound or conservative estimates in conjunction with plausible lower bounds estimates. Where appropriate, the risk characterization document may present, in lieu of a single best estimate, multiple best estimates based on assumptions, inferences, or models which are equally plausible, given current scientific understanding. To the extent practical and appropriate, the document shall provide descriptions of the distribution and probability of risk estimates to reflect differences in exposure variability or sensitivity in populations and attendant uncertainties.

(2) EXPOSURE SCENARIOS.—The risk characterization document shall explain the exposure scenarios used in any risk assessment, and, to the extent feasible, provide a statement of the size of the corresponding population at risk and the likelihood of such exposure scenarios.

(3) COMPARISONS.—The document shall contain a statement that places the nature and magnitude of risks to human health, safety, or the environment in context. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

(4) SUBSTITUTION RISKS.—Each significant risk assessment or risk characterization document shall include a statement of any significant substitution risks to human health, where information on such risks has been provided to the agency.

(5) SUMMARIES OF OTHER RISK ESTIMATES.—If—

(A) a commenter provides a covered Federal agency with a relevant risk assessment document or a risk characterization document, and a summary thereof, during a public comment provided by the agency for a significant risk assessment document or a significant risk characterization document, or, where no comment period is provided but a commenter provides the covered Federal agency with the relevant risk assessment document or risk characterization document, and a summary thereof, in a timely fashion, and

(B) the risk assessment document or risk characterization document is consistent with the principles and the guidance provided under this title,

the agency shall, to the extent feasible, present such summary in connection with the presentation of the agency's significant risk assessment document or significant risk characterization document. Nothing in this paragraph shall be construed to limit the inclusion of any comments or material supplied by any person to the administrative record of any proceeding. A document may satisfy the requirements of paragraph (3), (4) or (5) by reference to information or material otherwise available to the public if the document provides a brief summary of such information or material.

SEC. 106. RECOMMENDATIONS OR CLASSIFICATIONS BY A NON-UNITED STATES-BASED ENTITY.

No covered Federal agency shall automatically incorporate or adopt any recommendation or classification made by a non-United States-based entity concerning the health effects value of a substance without an opportunity for notice and comment, and any risk assessment document or risk characterization document adopted by a covered Federal agency on the basis of such a recommendation or classification shall comply with the provisions of this title.

SEC. 107. GUIDELINES AND REPORT.

(a) GUIDELINES.—Within 15 months after the date of enactment of this title, the President shall issue guidelines for Federal agencies consistent with the risk assessment and characterization principles set forth in sections 104 and 105 and shall provide a format for summarizing risk assessment results. In addition, such guidelines shall include guidance on at least the following subjects: criteria for scaling animal studies to assess risks to human health; use of different types of dose-response models; thresholds; definitions, use, and interpretations of the maximum tolerated dose; weighting of evidence with respect to extrapolating human health risks from sensitive species; evaluation of benign tumors, and evaluation of different human health endpoints.

(b) REPORT.—Within 3 years after the enactment of this title, each covered Federal agency shall provide a report to the Congress evaluating the categories of policy and value judgments identified under subparagraph (C) of section 104(b)(2).

(c) PUBLIC COMMENT AND CONSULTATION.—The guidelines and report under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

(d) REVIEW.—The President shall review and, where appropriate, revise the guidelines published under this section at least every 4 years.

SEC. 108. RESEARCH AND TRAINING IN RISK ASSESSMENT.

(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including, where relevant and appropriate, the following:

(1) Research to reduce generic data gaps, to address modelling needs (including improved model sensitivity), and to validate default options, particularly those common to multiple risk assessments.

(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

(3) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

(4) Long-term needs to adequately train individuals in risk assessment and risk assessment application. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training.

(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy and schedule for carrying out research and training to meet the needs identified in subsection (a).

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection (a) and the strategy and schedule developed under subsection (b). The head of each covered agency shall report to the Congress periodically on the evaluations, strategy, and schedule.

SEC. 109. STUDY OF COMPARATIVE RISK ANALYSIS.

(a) IN GENERAL.—(1) The Director of the Office of Management and Budget, in consultation with the Office of Science and Technology Policy, shall conduct, or provide for the conduct of, a study using comparative risk analysis to rank health, safety, and environmental risks and to provide a common basis for evaluating strategies for reducing or preventing those risks. The goal of the study shall be to improve methods of comparative risk analysis.

(2) Not later than 90 days after the date of the enactment of this Act, the Director, in collaboration with the heads of appropriate Federal agencies, shall enter into a contract with the National Research Council to provide technical guidance on approaches to

using comparative risk analysis and other considerations in setting health, safety, and environmental risk reduction priorities.

(b) SCOPE OF STUDY.—The study shall have sufficient scope and breadth to evaluate comparative risk analysis and to test approaches for improving comparative risk analysis and its use in setting priorities for health, safety, and environmental risk reduction. The study shall compare and evaluate a range of diverse health, safety, and environmental risks.

(c) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

(d) DURATION.—The study shall begin within 180 days after the date of the enactment of this Act and terminate within 2 years after the date on which it began.

(e) RECOMMENDATIONS FOR IMPROVING COMPARATIVE RISK ANALYSIS AND ITS USE.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress the report of the National Research Council with recommendations regarding the use of comparative risk analysis and ways to improve the use of comparative risk analysis for decision-making in appropriate Federal agencies.

SEC. 110. DEFINITIONS.

For purposes of this title:

(1) RISK ASSESSMENT DOCUMENT.—The term ''risk assessment document'' means a document containing the explanation of how hazards associated with a substance, activity, or condition have been identified, quantified, and assessed. The term also includes a written statement accepting the findings of any such document.

(2) RISK CHARACTERIZATION DOCUMENT.—The term ''risk characterization document'' means a document quantifying or describing the degree of toxicity, exposure, or other risk posed by hazards associated with a substance, activity, or condition to which individuals, populations, or resources are exposed. The term also includes a written statement accepting the findings of any such document.

(3) BEST ESTIMATE.—The term ''best estimate'' means a scientifically appropriate estimate which is based, to the extent feasible, on one of the following:

(A) Central estimates of risk using the most plausible assumptions.

(B) An approach which combines multiple estimates based on different scenarios and weighs the probability of each scenario.

(C) Any other methodology designed to provide the most unbiased representation of the most plausible level of risk, given the current scientific information available to the Federal agency concerned.

(4) SUBSTITUTION RISK.—The term ''substitution risk'' means a potential risk to human health, safety, or the environment from a regulatory alternative designed to decrease other risks.

(5) COVERED FEDERAL AGENCY.—The term ''covered Federal agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Occupational Safety and Health Administration.

(C) The Department of Transportation (including the National Highway Transportation Safety Administration).

(D) The Food and Drug Administration.

(E) The Department of Energy.

(F) The Department of the Interior.

(G) The Department of Agriculture.

(H) The Consumer Product Safety Commission.

(I) The National Oceanic and Atmospheric Administration

(J) The United States Army Corps of Engineers.

(K) The Mine Safety and Health Administration.

(L) The Nuclear Regulatory Commission.

(M) Any other Federal agency considered a covered Federal agency pursuant to section 103(b)(2)(E)

(6) FEDERAL AGENCY.—The term ''Federal agency'' means an executive department, military department, or independent establishment as defined in part I of title 5 of the United States Code, except that such term also includes the Office of Technology Assessment.

(7) DOCUMENT.—The term ''document'' includes material stored in electronic or digital form.

Title II—Analysis of Risk Reduction Benefits and Costs

SEC. 201. ANALYSIS OF RISK REDUCTION BENEFITS AND COSTS.

(a) IN GENERAL.—The President shall require each Federal agency to prepare the following for each major rule within a program designed to protect human health, safety, or the environment that is proposed or promulgated by the agency after the date of enactment of this Act:

(1) An identification of reasonable alternative strategies, including strategies that—

(A) require no government action;

(B) will accommodate differences among geographic regions and among persons with different levels of resources with which to comply; and

(C) employ performance or other market-based mechanisms that permit the greatest flexibility in achieving the identified benefits of the rule.

The agency shall consider reasonable alternative strategies proposed during the comment period.

(2) An analysis of the incremental costs and incremental risk reduction or other benefits associated with each alternative strategy identified or considered by the agency. Costs and benefits shall be quantified to the extent feasible and appropriate and may otherwise be qualitatively described.

(3) A statement that places in context the nature and magnitude of the risks to be addressed and the residual risks likely to remain for each alternative strategy identified or considered by the agency. Such statement shall, to the extent feasible, provide comparisons with estimates of greater, lesser, and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks, and, where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

(4) For each final rule, an analysis of whether the identified benefits of the rule are likely to exceed the identified costs of the rule.

(5) An analysis of the effect of the rule—

(A) on small businesses with fewer than 100 employees;

(B) on net employment; and

(C) to the extent practicable, on the cumulative financial burden of compliance with the rule and other existing regulations on persons producing products.

(b) PUBLICATION.—For each major rule referred to in subsection (a) each Federal agency shall publish in a clear and concise manner in the Federal Register along with the proposed and final regulation, or otherwise make publicly available, the information required to be prepared under subsection (a).

SEC. 202. DECISION CRITERIA.

(a) IN GENERAL.—No final rule subject to the provisions of this title shall be promulgated unless the agency certifies the following:

(1) That the analyses under section 201 are based on objective and unbiased scientific and economic evaluations of all significant and relevant information and risk assessments provided to the agency by interested parties relating to the costs, risks, and risk reduction and other benefits addressed by the rule.

(2) That the incremental risk reduction or other benefits of any strategy chosen will be likely to justify, and be reasonably related to, the incremental costs incurred by State, local, and tribal governments, the Federal Government, and other public and private entities.

(3) That other alternative strategies identified or considered by the agency were found either (A) to be less cost-effective at achieving a substantially equivalent reduction in risk, or (B) to provide less flexibility to State, local, or tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation, along with a brief explanation of why alternative strategies that were identified or considered by the agency were found to be less cost-effective or less flexible.

(b) EFFECT OF DECISION CRITERIA.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, the decision criteria of subsection (a) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking otherwise applicable under the statute pursuant to which the rule is promulgated.

(2) SUBSTANTIAL EVIDENCE.—Notwithstanding any other provision of Federal law, no major rule shall be promulgated by any Federal agency pertaining to the protection of health, safety, or the environment unless the requirements of section 201 and subsection (a) are met and the certifications required therein are supported by substantial evidence of the rulemaking record.

(c) PUBLICATION.—The agency shall publish in the Federal Register, along with the final regulation, the certifications required by subsection (a).

(d) NOTICE.—Where the agency finds a conflict between the decision criteria of this section and the decision criteria of an otherwise applicable statute, the agency shall so notify the Congress in writing.

SEC. 203. OFFICE OF MANAGEMENT AND THE BUDGET GUIDANCE.

The Office of Management and Budget shall issue guidance consistent with this title—

(1) to assist the agencies, the public, and the regulated community in the implementation of this title, including any new requirements or procedures needed to supplement prior agency practice; and

(2) governing the development and preparation of analyses of risk reduction benefits and costs.

Title III—Peer Review

SEC. 301. PEER REVIEW PROGRAM.

(a) ESTABLISHMENT.—For regulatory programs designed to protect human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for independent and external peer review required by subsection (b). Such program shall be applicable across the agency and—

(1) shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to

the extent relevant and appropriate, may include representatives of State, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations, or other public interest groups and organizations;

(2) may provide for differing levels of peer review and differing numbers of experts on peer review panels, depending on the significance or the complexity of the problems or the need for expeditiousness;

(3) shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency and in the case of a regulatory decision affecting a single entity, no peer reviewer representing such entity may be included on the panel;

(4) may provide specific and reasonable deadlines for peer review panels to submit reports under subsection (c); and

(5) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

(b) REQUIREMENT FOR PEER REVIEW.—In connection with any rule that is likely to result in an annual increase in costs of $100,000,000 or more (other than any rule or other action taken by an agency to authorize or approve any individual substance or product), each Federal agency shall provide for peer review in accordance with this section of any risk assessment or cost analysis which forms the basis for such rule or of any analysis under section 201(a). In addition, the Director of the Office of Management and Budget may order that peer review be provided for any major risk assessment or cost assessment that is likely to have a significant impact on public policy decisions.

(c) CONTENTS.—Each peer review under this section shall include a report to the Federal agency concerned with respect to the scientific and economic merit of data and methods used for the assessments and analyses.

(d) RESPONSE TO PEER REVIEW.—The head of the Federal agency shall provide a written response to all significant peer review comments.

(e) AVAILABILITY TO PUBLIC.—All peer review comments or conclusions and the agency's responses shall be made available to the public and shall be made part of the administrative record.

(f) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this section for any data or method which has been previously subjected to peer review or for any component of any analysis or assessment previously subjected to peer review.

(g) NATIONAL PANELS.—The President shall appoint National Peer Review Panels to annually review the risk assessment and cost assessment practices of each Federal agency for programs designed to protect human health, safety, or the environment. The Panel shall submit a report to the Congress no less frequently than annually containing the results of such review.

Title IV—Judicial Review

SEC. 401. JUDICIAL REVIEW.

Compliance or noncompliance by a Federal agency with the requirements of this Act shall be reviewable pursuant to the statute granting the agency authority to act or, as applicable, that statute and the Administrative Procedure Act. The court with jurisdiction to review final agency action under the statute granting the agency authority to act shall have jurisdiction to review, at the same time, the agency's compliance with the requirements of this Act. When a significant risk assessment document or risk characterization document subject to title I is part of the administrative record in a final agency action, in addition to any other matters that the court may consider in deciding whether the agency's action was lawful, the court shall consider the agency action unlawful if such significant risk assessment document or significant risk characterization document does not substantially comply with the requirements of sections 104 and 105.

Title V—Plan

SEC. 501. PLAN FOR ASSESSING NEW INFORMATION.

(a) PLAN.—Within 18 months after the date of enactment of this Act, each covered Federal agency (as defined in title I) shall publish a plan to review and, where appropriate revise any significant risk assessment document or significant risk characterization document published prior to the expiration of such 18-month period if, based on information available at the time of such review, the agency head determines that the application of the principles set forth in sections 104 and 105 would be likely to significantly alter the results of the prior risk assessment or risk characterization. The plan shall provide procedures for receiving and considering new information and risk assessments from the public. The plan may set priorities and procedures for review and, where appropriate, revision of such risk assessment documents and risk characterization documents and of health or environmental effects values. The plan may also set priorities and procedures for review, and, where appropriate, revision or repeal of major rules promulgated prior to the expiration of such period. Such priorities and procedures shall be based on the potential to more efficiently focus national economic resources within Federal regulatory programs designed to protect human health, safety, or the environment on the most important priorities and on such other factors as such Federal agency considers appropriate.

(b) PUBLIC COMMENT AND CONSULTATION.—The plan under this section, shall be developed after notice and opportunity for public comment, and after consultation with representatives of appropriate State, local, and tribal governments, and such other departments and agencies, offices, organizations, or persons as may be advisable.

Title VI—Priorities

SEC. 601. PRIORITIES.

(a) IDENTIFICATION OF OPPORTUNITIES.—In order to assist in the public policy and regulation of risks to public health, the President shall identify opportunities to reflect priorities within existing Federal regulatory programs designed to protect human health in a cost-effective and cost-reasonable manner. The President shall identify each of the following:

(1) The likelihood and severity of public health risks addressed by current Federal programs.

(2) The number of individuals affected.

(3) The incremental costs and risk reduction benefits associated with regulatory or other strategies.

(4) The cost-effectiveness of regulatory or other strategies to reduce risks to public health.

(5) Intergovernmental relationships among Federal, State, and local governments among programs designed to protect public health.

(6) Statutory, regulatory, or administrative obstacles to allocating national economic resources based on the most cost-effective, cost-reasonable priorities considering Federal, State, and local programs.

(b) BIENNIAL REPORTS.—The President shall issue biennial reports to Congress, after notice and opportunity for public comment, to recommend priorities for modifications to, elimination of, or strategies for existing Federal regulatory programs designed to protect public health. Within 6 months after the issuance of the report, the President shall notify the Congress in writing of the recommendations which can be implemented without further legislative changes and the agency shall consider the priorities set forth in the report when preparing a budget or strategic plan for any such regulatory program.

The CHAIRMAN. The bill will be considered for amendment under the 5-minute rule for a period not to exceed 10 hours.

Are there any amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BROWN OF CALIFORNIA

Mr. BROWN of California. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BROWN of California:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Regulatory Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are the following:

(1) To direct the head of each covered agency to establish appropriate regulatory priorities among regulatory initiatives based on the seriousness of the risks to be addressed and available resources, and other appropriate factors.

(2) To require the head of each covered agency to conduct a risk assessment and cost benefit analysis for all major rules.

(3) To require the head of each covered agency to—

(A) oversee the development, periodic revision, and implementation of risk assessment guidelines throughout the covered agency, which reflect scientific advances;

(B) provide for appropriate scientific peer review of and public comment on risk assessment guidelines and for peer review of risk assessments and cost-benefit analyses throughout the process of development and implementation;

(C) develop risk characterization guidance and oversee its implementation in order to communicate an accurate description of the full range of risks and uncertainties; and

(D) identify, prioritize, and conduct research and training needed to advance the science and practice of risk assessment and cost-benefit analysis.

(4) To establish a study to improve comparative risk analysis and to direct the Office of Science and Technology Policy to establish an interagency coordinating process to promote more compatible risk assessment procedures across Federal agencies.

SEC. 3. ESTABLISHING AGENCY PRIORITIES.

(a) PRIORITIES FOR REGULATION.—Each covered agency shall establish, after notice and opportunity for comment, priorities for regulatory purposes among threats to human health, safety, and the environment according to—

(1) the seriousness of the risk they pose;

(2) the opportunities available to achieve the greatest overall net reduction in those risks with the public and private resources available; and

(3) other factors as appropriate.

(b) REPORT.—Each covered agency shall submit an annual report to Congress setting forth the agency's regulatory priorities. The report shall recommend priorities, consistent with otherwise applicable law, for the use of resources available to the agency to reduce those risks in accordance with the priorities established under subsection (a), including strategic planning and research activities of the agency. The report shall also explain any statutory priorities which are inconsistent with the priorities established according to the factors set forth in this section.

SEC. 4. ANALYSIS OF RISKS, BENEFITS, AND COSTS.

For all major rules protecting human health, safety, or the environment, the head of each covered agency shall—

(1) conduct a risk assessment and cost-benefit analysis that uses sound scientific, technical, economic, and other data. Such an analysis shall be conducted with as much specificity as practicable, of—

(A) the risk to human health, safety, or the environment, and any combination thereof, addressed by the rule, including, where applicable and practicable, the health and safety risks to persons who are disproportionately exposed or particularly sensitive, including children, the elderly, and disabled individuals;

(B) the costs, including the incremental costs, associated with implementation of, and compliance with, the rule;

(C) the quantitative or qualitative benefits of the rule, including the incremental benefits, reduction or prevention of risk, or other benefits expected from the rule; and

(D) where appropriate and meaningful, a comparison of that risk relative to other similar risks, regulated by that Federal agency or another Federal agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks, and the preventability and nonpreventability of risks); and

(2) include with the rule a statement that, to the extent consistent with otherwise applicable law—

(A) the rule will substantially advance the purpose of protecting against the risk referred to in paragraph (1)(A);

(B) the rule will produce benefits and reduce risks to human health, safety, or the environment, and any combination thereof, in a cost-effective manner taking into account the costs of the implementation of and compliance with the rule, by local, State, and Federal Government and other public and private entities;

(C) the benefits, quantitatively or qualitatively, will be likely to justify the costs; and

(D) the most cost-effective option allowed by the statute under which the rule is promulgated has been employed, or if such option has not been employed, the head of the agency shall include a summary of the analysis justifying why it is not employed.

SEC. 5. RISK ASSESSMENT GUIDELINES.

(a) FUNCTIONS OF THE AGENCY HEAD.—The head of each covered agency shall ensure that any risk assessments conducted by the agency are performed in accordance with risk assessment guidelines issued by the agency head under subsection (b) and use relevant, reliable, and reasonably available data.

(b) ISSUANCE OF RISK ASSESSMENT GUIDELINES.—

(1) IN GENERAL.—The head of each covered agency shall develop and publish in the Federal Register risk assessment guidelines that provide appropriate consistency and technical quality among risk assessments performed by the agency.

(2) PROCEDURES FOR PUBLISHING GUIDELINES.—Before issuing guidelines under this subsection, the head of a covered agency shall—

(A) publish notice of intent to revise as appropriate existing guidelines or to develop new guidelines and a list of the issues the agency head intends to address and upon which the agency head seeks public comment;

(B) publish all proposed guidelines for the purpose of seeking public comment; and

(C) conduct scientific peer review of such guidelines.

(3) REVIEW AND UPDATES.—Not less than once every 3 years, the head of a covered agency shall review and, as necessary, update guidelines issued under this subsection.

(4) PROCEDURES FOR REVIEW OF RISK ASSESSMENTS.—Within 1 year after the date of the enactment of this Act, the head of each covered agency shall develop and publish procedures for the review of significant new information made available to the agency relative to risk assessments performed by the agency that are (or if this Act had been in effect would have been) covered by section 4.

(c) USE OF GUIDELINES.—The agency head shall ensure—

(1) consistency in the use of such guidelines to the extent such consistency is appropriate;

(2) that risk assessments are scientifically supportable; and

(3) that significant uncertainties regarding facts, scientific knowledge, and the validity of analytical techniques, or numerical risk estimates are clearly disclosed in terms readily understandable to the public.

(d) CONTENTS.—Risk assessments conducted by the Agency should be carried out at a level of effort and accuracy appropriate to the decision being made and the need for accuracy of the risk estimate and should be conducted according to risk assessment guidelines that include:

(1) An explanation of the scope and applicability of the guidelines, including appropriate limitations or restrictions on their use.

(2) Criteria for accepting and evaluating data.

(3) A complete description of any mathematical models or other assumptions used in the risk assessment, including a discussion of their validation, limitations and plausibility.

(4) A description of the default options, the scientific justification supporting the default options, and an explicit statement of the rationale for selecting a particular default option, in the absence of adequate data, based on explicitly stated science policy choices and consideration of relevant scientific information.

(5) The technical justification for, and a description of the degree of conservatism each model selection, default option, or assumption imposes upon the risk assessment.

(6) Criteria for conducting uncertainty analysis during the course of the risk assessment, and an explanation of the data needs for such analysis.

(e) REGIONAL COMPLIANCE.—The regional offices of each agency shall comply with, and follow, the risk assessment guidelines and policies established by the head of the agency. Where credible information has been received from an affected party that a region is violating such guidelines, the head of the agency shall examine the information and resolve the matter.

SEC. 6. RISK CHARACTERIZATION.

(a) IN GENERAL.—The head of each covered agency shall ensure that all risk assessments required by section 4, and the risk characterizations that are components of such assessments, make apparent the distinction between data and policy assumptions to facilitate interpretation and appropriate use of the characterization by decisionmakers.

(b) CONTENTS.—

(1) IN GENERAL.—As scientifically appropriate, such risk characterizations shall contain the following:

(A) Relevant information on data selection and rejection in the risk assessment, including a specific rationale justifying the basis for the selection or rejection, and the influence of the selection or rejection on the risk estimate.

(B) Identification of significant limitations, assumptions, and default options included in the risk assessment and the rationale and extent of scientific support for their use.

(C) A discussion of significant uncertainties and data gaps and their influence upon the risk assessment.

(2) QUANTITATIVE ESTIMATES OF CERTAIN RISKS.—As scientifically appropriate, any such risk characterization that includes quantitative estimates of carcinogenic risk shall contain the following:

(A) The range and distribution of exposures derived from exposure scenarios used in the risk assessment of which the risk characterization is a component, including upper bound estimates and central estimates and, when appropriate and practicable, the identification of susceptible groups, species, and subpopulations, including children, the elderly, and disabled individuals, or groups whose exposure exceeds the general population.

(B) A description of appropriate statistical expressions of the range and variability of the risk estimate, including the population or populations addressed by any risk estimates, central estimates of risk for each such specific population, any appropriate upper bound estimates, the reasonable range, or other description of uncertainties in the risk characterization which is contained in the risk assessment.

To the extent the types of information referred to in subparagraphs (A) and (B) are scientifically appropriate for risk characterizations other than for carcinogenic risks, such characterizations shall include such information. As other scientifically appropriate methods are developed for quantitatively estimating carcinogenic risks, such methods may be used in lieu of the methods described in subparagraphs (A) and (B).

SEC. 7. PEER REVIEW.

(a) ESTABLISHMENT.—For regulatory programs addressing human health, safety, or the environment, the head of each Federal agency shall develop a systematic program for peer review of risk assessments used by the agency. Such program shall be applicable across the agency and—

(1) shall provide for peer review by independent and well-qualified experts;

(2) to the extent a peer review panel is used, the panel shall be broadly representative and balanced to the extent feasible;

(3) may provide for differing levels of peer review depending on the significance or the complexity of the problems or the need for expeditiousness;

(4) shall exclude peer reviewers who are associated with entities that may have a financial interest in the outcome unless such interest is disclosed to the agency and the agency has determined that such interest will not reasonably be expected to create a bias in favor of obtaining an outcome that is consistent with such interest;

(5) shall result in the appointment of peer reviewers who are qualified on the basis of their professional training or expertise as reflected in their record of peer-reviewed publications or equivalent;

(6) may provide specific and reasonable deadlines for peer review comments; and

(7) shall provide adequate protections for confidential business information and trade secrets, including requiring peer reviewers to enter into confidentiality agreements.

(b) REQUIREMENT FOR PEER REVIEW.—Each Federal agency shall provide for appropriate peer review of scientific information used for purposes of any risk assessment required by section 4. For any such risk assessment, the head of a covered agency shall provide a written response to comments made by the peer reviewers. The response shall indicate that the agency head explicitly considered the comments, the degree to which such comments have been incorporated into the risk assessment guidelines or risk assessment, as applicable, and the reason why a comment has not been incorporated.

(c) AVAILABILITY TO PUBLIC.—For all peer review to which this section applies, a summary of all peer review comments or conclusions and any response of the agency shall be made available to the public.

(d) PREVIOUSLY REVIEWED DATA AND ANALYSIS.—No peer review shall be required under this section for any data or analysis which has been previously subjected to peer review or for any component of any evaluation or assessment previously subjected to peer review.

(e) REPORTS.—Not later than 180 days after the date of the enactment of this Act, the head of each covered agency shall submit to the Congress a report on a plan for conducting peer review under this section, and shall also report to the Congress whenever significant modifications are made to the plan.

SEC. 8. REVIEW OF AGENCY COMPLIANCE.

During the 3-year period beginning 1 year after the date of the enactment of this Act, the Comptroller General of the United States shall annually conduct a review to determine the extent of compliance by each covered Federal agency with the provisions of this Act and shall annually submit to Congress a report on such review.

SEC. 9. RESEARCH AND TRAINING IN RISK ASSESSMENT.

(a) EVALUATION.—The head of each covered agency shall regularly and systematically evaluate risk assessment research and training needs of the agency, including the following:

(1) Research to reduce data gaps or redundancies, address modelling needs (including improved model sensitivity), and validate default options, particularly those common to multiple risk assessments.

(2) Research leading to improvement of methods to quantify and communicate uncertainty and variability throughout risk assessment, and risk assessment reporting methods that clearly distinguish between uncertainty and variability.

(3) Research to examine the causes and extent of variability within and among individuals, species, populations, and, in the case of ecological risk assessment, ecological communities.

(4) Emerging and future areas of research, including research on comparative risk analysis, exposure to multiple chemicals and other stressors, noncancer endpoints, biological markers of exposure and effect, mechanisms of action in both mammalian and nonmammalian species, dynamics and probabilities of physiological and ecosystem exposures, and prediction of ecosystem-level responses.

(5) Long-term needs to adequately train individuals in risk assessment and risk assessment applications. Evaluations under this paragraph shall include an estimate of the resources needed to provide necessary training and recommendations on appropriate educational risk assessment curricula.

(b) STRATEGY AND ACTIONS TO MEET IDENTIFIED NEEDS.—The head of each covered agency shall develop a strategy, schedule, and delegation of responsibility for carrying out research and training to meet the needs identified in subsection (a) consistent with available resources.

(c) REPORT.—Not later than 6 months after the date of the enactment of this Act, the head of each covered agency shall submit to the Congress a report on the evaluations conducted under subsection (a) and the strategy and schedule developed under subsection (b). The head of each covered agency shall report to the Congress whenever the evaluations, strategy, and schedule are updated or modified.

SEC. 10. STUDY OF COMPARATIVE RISK ANALYSIS.

(a) IN GENERAL.—The Director of the Office of Science and Technology Policy shall conduct, or provide for the conduct of, a study of the methods for conducting comparative risk analysis of health, safety, and environmental risks, and to provide a common basis for evaluating strategies for reducing, or preventing those risks. The goal of the study shall be to survey and rigorously evaluate methods of comparative risk analysis.

(b) STUDY PARTICIPANTS.—In conducting the study, the Director shall provide for the participation of a range of individuals with varying backgrounds and expertise, both technical and nontechnical, comprising broad representation of the public and private sectors.

(c) REPORT.—Not later than 90 days after the termination of the study, the Director shall submit to the Congress a report on the results of the study referred to in subsection (a).

SEC. 11. INTERAGENCY COORDINATION.

To promote the conduct, application, and practice of risk assessment in a consistent manner under Federal and to identify risk assessment data needs common to more than one Federal agency, the Director of the Office of Science and Technology Policy shall—

(1) periodically survey the manner in which each Federal agency involved in risk assessment is conducting such risk assessment to determine the scope and adequacy of risk assessment practices in use by the Federal Government;

(2) provide advice and recommendations to the President and the Congress based on the surveys conducted and determinations made under paragraph (1);

(3) establish appropriate interagency mechanisms to promote coordination among Federal agencies conducting risk assessment with respect to the conduct, application, and practice of risk assessment and to promote the use of state-of-the-art risk assessment practices throughout the Federal Government;

(4) establish appropriate mechanisms between Federal and State agencies to communicate state-of-the-art risk assessment practices; and

(5) periodically convene meetings with State government representatives and Federal and other leaders to assess the effectiveness of Federal-State cooperation in the development and application of risk assessment.

SEC. 12. SAVINGS PROVISION.

Nothing in this Act shall be construed to modify any statutory standard or requirement designed to protect health, safety, or the environment or shall delay any action required to meet a deadline imposed by a statute or a court.

SEC. 13. DEFINITIONS.

For the purposes of this Act:

(1) The term ''major rule'' means any rule (as that term is defined in section 551(4) of title 5, United States Code) that is likely to result in an annual effect on the economy of $100,000,000 or more.

(2) The term ''risk assessment'' means a process that uses a factual base to—

(A) identify, characterize, and to the extent practicable and appropriate, quantify or describe the potential adverse effects of exposure of individuals, populations, habitats, ecosystems, or materials to hazardous pollutants or other stressors; and

(B) to the extent practicable and appropriate, identify and characterize important uncertainties.

(3) The term ''risk characterization'' means the final component of a risk assessment, that qualitatively or quantitatively (or both) describes the magnitude and consequences of that risk in terms of the population exposed to the risk and the types of potential effects of exposure.

(4) The term ''covered agency'' means each of the following:

(A) The Environmental Protection Agency.

(B) The Consumer Product Safety Commission.

(C) The Department of Labor (including the Occupational Health and Safety Administration).

(D) The Department of Transportation.

(E) The Department of Energy.

(F) The Department of Agriculture.

(G) The Department of the Interior.

(H) The Food and Drug Administration.

SEC. 14. EXCEPTIONS.

This Act does not apply to risk assessments or risk characterizations performed with respect to either of the following:

(1) A situation that the head of the agency considers to be an emergency.

(2) A situation the head of the agency considers to be reasonably expected to cause death or serious injury or illness to humans, or substantial endangerment to private property or the environment unless prompt action is taken to avoid death or to avoid or mitigate serious injury or illness to humans, or substantial endangerment to private property or the environment.

SEC. 15. JUDICIAL REVIEW.

Nothing in this Act creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, the adequacy of any document prepared pursuant to this Act, and any alleged failure to comply with this Act, may not be used as grounds for affecting or invalidating such agency action, but statements and information prepared pursuant to this Act which are otherwise part of the record, may be considered as part of the record for the judicial or administrative review conducted under such other provision of law.

SEC. 16. UNFUNDED MANDATES.

Nothing in this Act shall create an obligation or burden on any State or local government or otherwise impose any financial burden any State or local government. Nothing in this Act shall force a State to change its laws.

Mr. BROWN of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be

considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BROWN of California. Mr. Chairman, I will use a very brief portion of the time and then yield to my cosponsor, the gentleman from Ohio [Mr. BROWN].

Mr. Chairman, this amendment was drafted after considerable discussion of the major problems of this bill which have been pointed out during general debate. It seeks to reflect the views of those who have expressed concerns about the workability of the bill, including Members on both sides, and we believe that the substitute is a considerable improvement over the original bill, and we elaborate on that during further debate.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. BROWN of California. I yield the remainder of my time to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, I rise in strong support of the Brown-Brown substitute amendment to H.R. 1022. This substitute provides a common sense approach to risk assessment without creating a lawyers' paradise. It ensures that public health and safety will continue to be protected. At the same time it enhances the decision-making process to ensure that our resources are spent on our most critical prioritized needs.

Risk assessment and management provide valuable tools with which we can identify the most critical threats to health and safety of Americans and establish a system of priorities to address these problems. In time of scarce resources, it is essential that we plan appropriately and demand sufficient information to make decisions based on sound science. Risk assessment can help us do that.

Risk assessment practices, however, must not in and of themselves become a burdensome process. This bill as currently drafted is loaded with unintended consequences and will effectively derail the last 25 years of accomplishments in protecting the public's health and safety.

I remember when parts of Lake Erie were dead. Today my daughter can swim in Lake Erie. I remember when the Cuyahoga River was on fire. Today it is an essential water route for interstate commerce.

We have in this country the cleanest air, the safest drinking water, the purest food, the safest consumer products in the world. It is not an accident we were able to do that by working together with Government and business and regulations and making sure that those products were safe, the water was clean, the food was pure and the air was clean. Citizens of northeast Ohio continue to be concerned about the high rates of breast and prostate cancer in that part of the State. They believe the cause could be the pollutants of a previous day. Did we address the most serious concerns when we cleaned up Lake Erie or cleaned up the Cuyahoga River? We do not know. We should find out. Risk assessment and analysis can help us do that without it becoming the lawyers' for employment act.

Listen to some of the comments, Mr. Chairman, that have been made about this legislation. A former Republican chairman of the Senate Environment and Public Works Committee said this legislation would shift the financial, legal and moral burden of dealing with pollution from the polluters to the victims.

A former Republican EPA Administrator under Presidents Bush and Reagan said the proposal would render the Nation's environmental laws by and large unworkable and unpredictable by creating a procedural nightmare and endless litigation. More bureaucracy, more lawyers, more government.

The Natural Resources Defense Council report said the bill would dismantle laws that have worked, would block improvements to public health, would pay polluters to bloat the deficit and would dramatically increase bureaucracy and litigation.

Mr. Chairman, the evidence is overwhelming that this legislation would have enormous unintended consequences for the public health and safety of all Americans. Twenty-four Members of the House, a dozen Republicans and a dozen Democrats signed a ''Dear Colleague'' letter to urge Members to think this legislation through and to address three major concerns about the bill. Our substitute addresses these concerns in a way that does not diminish the science of risk assessment, which I support, or create endless bureaucracies or litigation.

Our substitute is patterned after a Republican proposal of 2 years ago. It is a reasonable alternative. It is a strong risk assessment bill without bureaucracy, without more lawyers, without more government, and without the unintended consequences that the authors of this bill have not foreseen because of the quick way in which it passed the committee.

Mr. Chairman, I ask Members of the House to look carefully at the substitute. The substitute makes sense. It is a reasonable middle-of-the-road, down-the-middle approach. I ask support for the Brown-Brown substitute.

Mr. WALKER. Mr. Chairman, I rise to oppose the amendment.

Mr. Chairman, I am glad we got this amendment out here first because it is a good way of kind of delineating the debate.

This is the status quo amendment. This is keep things as they are, do not change regulations.

The gentleman from Ohio has just given Members this explanation. He thinks the things that have been done in the name of regulation have in fact been beneficial to the country. In fact, there are some things that have been done in the name of regulation have in fact been beneficial to the country. In fact, there are some things that have been beneficial, but the fact is that we have regulations run amok at the present time too that need to have some handle on them, and we need to get the good science, and we need to have common sense prevail.

Under the Brown substitute what we have is an opportunity for the regulators to continue to do exactly what they have been doing. Since we had such a discussion about process out here a few minutes ago with the gentleman from Michigan and the gentleman from California criticizing the process, I must say we have not had much of a chance to review this substitute, since I only got it at 6 o'clock, which means about 25 minutes ago we actually got a chance to see this amendment in the nature of a substitute. In other words, this is the whole bill, folks. We are trying to take one whole bill and substitute it. At least even under their scenario we gave them a couple of hours. We got 25 minutes.

But let me say that we have had a chance to look at a few things here, and it does give one a little bit of cause to be suspicious if in fact we had had the idea that we were going to really change regulations. For example, it changes a major rule from an annual impact of $25 to $100 million. Guess what that does? That wipes out virtually all of the business of finding regulation. One hundred dollars' worth of impact means you have $100 million dollars' worth of impact in the economy. No small business is likely to have something that is 100 million dollars' worth of impact. Service station operators, dry cleaners, all of these folks across the country that have been hit hard by Federal regulation would not even qualify under this bill. All the big businesses like General Motors and so on, yes, they might come under, and their lobbyists will not be all that unhappy with all of that by the big lobbying community. But the little guy, the little guy is going to be affected by this.

So guess what? This bill that they have brought before us now is the big guys versus the little guys, and the little guys come down on the side of our amendment that says $25 million worth of impact.

I also was interested to look at the language that dealt with how we were going to compare risk. In other words, what our bill says is you ought to compare risk to the thing that the general public has knowledge of, drinking a glass of orange juice, riding in a car, things that the public really understands, you ought to compare that.

Here is the language they substitute though for that kind of thing, listen to this language, Members will love it. If

this is not a regulator's dream or a litigator's dream, I do not know what is. Listen to this:

> Where appropriate and meaningful, a comparison of that risk relative to other similar risks, regulated by that Federal agency or another Federal agency, resulting from comparable activities and exposure pathways (such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks, and the preventability and nonpreventability of risks).

Now what the devil does that mean? I do not know. No one knows. It is just one more way of making certain that regulation stays right where it is.

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You know, you put in a bill risk ought to be compared to that that the public knows. Then they come up with that kind of junk.

Now, it seems to me that what you want to do is just turn down this substitute flat.

The other thing that is does is it says that we are not going to have any judicial or administrative review. Now, what that means is that if in fact you have a regulation issued that the Department thinks is fine, you have no appeal after that. The Department issues the regulation, and nothing can be done about it because, in their substitute, they wipe out the ability to have any kind of administrative or judicial review.

You know, even under the Administrative Procedures Act at the present time there is at least a process for doing this. They wipe that out. Here is the language. They say, ''Nothing in the title creates any right to judicial or administrative review.'' You cannot even do what people can do now in terms of going back to the agencies under what they have created here. This is really a bad bill. This is the kind of thing that says, ''Regulators, do whatever you want. If you have been down there regulating an industry and so on, if you have been regulating people out of business, you go right ahead and keep doing it.''

All of this talk that we heard during the general debate, ''We agree with the intent of this legislation, and we would love to do something that would help,'' this is their idea of what it is. This is their substitute. This substitute makes the situation worse. It does not help the situation. This destroys exactly what we are attempting to do with the bill here on the floor.

So I would suggest that if ever you wanted to cast a big ''no'' vote, if ever you wanted to stand up and say, ''Let us stop regulation from batting down the American people,'' vote ''no'' on this substitute. This substitute is really bad news.

Mr. DINGELL. Mr. Chairman, I rise in support of the amendment.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I would just note for the benefit of the last speaker that this bill was gotten to the House more quickly than any of the various and sundry substitutes which the gentleman was presenting to us after moonlight discussions with other Members on that side of the aisle. So if you are concerned about the time that we have had in terms of having this available to us, we have done better than has the gentleman from Pennsylvania.

Now, the gentleman complains about the language he read. That is language out of legislation that passed the House last year relative to exactly the kind of thing we are trying to do, and that is to set in place risk assessment. It also is language which is very close to the language that is in the bill that the gentleman has submitted to us, and I can understand, with the haste that the gentleman from Pennsylvania has crafted these different sundry substitutes that we have been confronting over time without opportunity to read them, that he may not have had full enough time to read his own bill so he really does not understand what is there.

Having said that, the effects of the basic legislation will be seen in many ways. One is with regard to a final rule which is anticipated by December 1995 with regard to safety on commuter airlines. As we all know, commuter airline safety is open to question, and that a fatal commuter accident in North Carolina caused the Secretary of Transportation to announce a commuter safety program would be fast-tracked. The fast-tracking of that commuter safety airline legislation or, rather, regulation which will address very specifically pilot training and crew rest requirements would be sidetracked by the language of the bill but not by the amendment which is put forward.

FAA has plenary authority to take actions necessary for airline safety. But that plenary authority will be effectively delayed by this matter.

Having said those things, the airline safety rule will exceed the $100 million cost threshold established in title III. FAA will have to peer review any risk or cost analysis which forms the basis for action under this.

Never before have we had risk assessment or cost-benefit in rules of these kinds, and the reason was very important. FAA exists to assure that there be safety of the American airline traveling public. That safety will be substantially denigrated and severely jeopardized by the bill unless the amendment is adopted.

Similar situations with regard to PCB control regulations, those which are actively sought by legislation, will be sidetracked and will cost industry and the American economy billions of dollars in additional disposable costs and will rob industry of flexibility and opportunity to become more competitive through relaxation of current situations which they find unacceptable.

H.R. 1022 is a very simple thing. It is a political campaign statement which is now being turned into bad law, and it is being done so in the most extraordinary of haste, the idea being to meet some curious 100-day deadline which relates not to the well-being of the American people but to simply the keeping of some kind of political statement.

The amendment should be adopted, or the bill should be rejected, and the safety and the well-being of the American people, the protection of their environment will, indeed, be better served by that course.

I urge my colleagues to adopt the amendment.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I ask the gentleman from Michigan [Mr. DINGELL], did I understand you correctly that the language on comparative risk assessment is the same language that passed the House and Senate and was signed into law last year in the Agricultural Reorganization Act?

Mr. DINGELL. The gentleman is correct in that statement.

Mr. BROWN of California. And the $100 million cap the gentleman from Pennsylvania [Mr. WALKER] referred to is the same in the Reagan and Bush Executive orders?

Mr. DINGELL. That is also correct. The $100 million is exactly the same as was in the Executive orders brought forward by Presidents Bush and Reagan.

Mr. OXLEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am particularly concerned about providing a double standard, one for the regulators and another for everybody else.

Let me read to you and the Members the language on compliance in the Brown squared substitute. It says:

> During a 3-year period beginning 1 year after the date of enactment of this act, the Comptroller General of the United States shall annually conduct a review to determine the extent of compliance by each covered Federal agency with the provision of this act and shall annually submit to Congress a report on such review.

Essentially what we are saying is that the regulators can have their usual run at regulating with only apparently a drive-by windshield effort by the Comptroller to do that. That double standard, coupled with the lack of judicial review in the Brown squared substitute, would indicate that this is a very weak provision at best.

Judicial review in the Brown substitute:

> Nothing in this act creates any right to judicial or administrative review or creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies

or instrumentalities, its officers or employees or any other person. The adequacy of any document prepared pursuant to this act, and any alleged failure to comply with this act may not be used as grounds for affecting or invalidating such agency action.

It is business as usual, folks, with all the regulators. They are just free and wild.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman makes an excellent point. If you go down and look in the contents section on page 7 of the substitute, you find exactly the same thing the gentleman is talking about. It says here,

Risk assessments conducted by the agency should be carried out on a level of effort and accuracy appropriate to the decision being made and the need for accuracy of the risk assessment and should be conducted according to risk-assessment guidelines.

What that means is the bureaucrats are going to decide whether or not the bureaucrats are right. The regulators are going to decide whether or not the regulators are right. You know, it is really an attempt here to say whatever the regulators want, the regulators get.

Mr. OXLEY. I thank the gentleman for his comments, because that is exactly right, and it is the same old story, and the same old game, and the regulators will continue to regulate, and nobody is going to be able to check them unless we defeat this substitute.

Now, Mr. Chairman, I have a list here of the Alliance for Reasonable Regulation, and I have a list of 35 organizations and companies throughout this country, everybody from Goodyear all the way down to small operations, and this includes the National Federation of Independent Business, NFIB. that supports our legislation and opposes any weakening efforts like the Brown substitute.

I want to make certain that the Members understand that it is not just the major companies but small businesses throughout this country that are finally coming to realize that they are being put upon by these massive regulatory burdens that have cost us jobs and our competitiveness throughout the world, and that is really important to understand.

I also want to point out, Mr. Chairman, that we want to maintain the $25 million threshold. We think that one of the major weaknesses in the Brown provision is to raise this threshold to $100 million.

Now, I do not know about the Members on the other side of the aisle, but I know to a lot of people that we represent in small businesses and the like, $25 million is an awful lot of money, and while we may spill that much before breakfast around here in Washington, the fact is that is an important threshold that we want to maintain in the legislation that came out of our committee as well as came out of the committee of the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. If the gentleman will yield further, I was interested to hear the discussion on the other side that the Executive orders of the Bush and Reagan administrations were at the $100 million level. I wonder if there is anybody who in this Chamber believes that the Bush and Reagan administrations got the regulatory process under control. I mean, the fact is the $100 million did not work. It did not result in the regulatory process being gotten under control.

In fact, we had a discussion out here earlier today about the mess that was made during the 1980's of the asbestos policy, and that was done under the Reagan administration, and it may, in fact, be a perfect example of why the $100 million limit of those executive orders was the wrong limit.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I do not want to impose on the gentleman's time. I can get someone on our side to do it. If the gentleman would like to have me comment as he proceeds, I would like to do it.

I wanted to point out that the $100 million figure which exists in all past Executive orders captures 97 percent of all the economic impact of regulations on the American public.

Mr. OXLEY. Reclaiming my time, the gentleman from Pennsylvania had it right, that is, it just did not get the job done. One hundred million dollars is not going to get the job done. There are a lot of people in my district and other districts around here who are very concerned about $100 million. They think $25 million makes a lot of sense and so do I.

Mr. MANTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Brown substitute.

Mr. Chairman, the Brown substitute offers Members a chance to vote for meaningful regulatory reform without endangering the public's health and safety. Furthermore, unlike H.R. 1022, this substitute would not expand judicial review of agency decisionmaking.

My colleagues who historically have expressed concerns that legislation passed by this Congress is ill-suited to real world applications should be troubled that H.R. 1022 would implement a one-size fits all risk assessment scheme. By contrast, the Brown substitute would require each agency to issue scientifically sound risk assessment guidelines with criteria specifically tailored to fit the agency's area of expertise. Thus, in contrast to H.R. 1022, the Brown substitute would require federal agencies to use the most useful scientific data available to complete risk assessment.

I strongly believe we should establish a balanced approach to environmental concerns. I have tried to represent the views of my constituents who have told me they want a clean environment but also less government regulation. I also share the frustration of many of my colleagues about ill-conceived and unduly burdensome regulations which have been issued by the EPA as well as other agencies. It is therefore tempting to support this bill because it will slow down the regulatory process and perhaps lead to less regulation.

However, simply reducing the amount of regulations promulgated by the Government is not the answer to our current problems.

We need a regulatory process that better reflects simple common sense and that is carefully targeted to protect public health and promote free market competition.

That is why I believe risk assessment and cost benefit analysis can play a meaningful and useful role in developing environmental regulations.

Finally, I want to inform my colleagues who may be considering voting for H.R. 1022 because they support the general concept of risk assessment that this bill is dangerously overbroad.

H.R. 1022 would impact many federal regulations designed to protect health and safety. The Brown substitute cures this defect in the registration by specifying that no existing health, safety or environmental laws may be overridden through passage of H.R. 1022.

While certain Federal regulations designed to protect safety or public health are counterproductive, the vast majority are not.

A scattershot approach is not the way to correct this problem.

As children, most of us were told that ''it is better to be safe than sorry.''

Our parents who gave us this advice were trying to pass along the wisdom of their years. It is good advice that we in the House should consider today.

I urge my colleagues to support scientifically sound cost benefit and risk assessment analysis, and support the Brown amendment.

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Mr. BILBRAY. Mr. Chairman, I speak in opposition to the substitute motion. I am sure my colleagues on the other side of the aisle are really well intentioned in thinking that environmental and regulatory mandates from the Federal Government somehow always protect the public, always defend the little guy. I am here, though, representing a district which has been severely impacted by Federal regulations. The public health of my citizens has been severely impacted by government and Federal regulations.

Mr. Chairman, I happened to have the privilege of going back to my district and being able to enjoy the beautiful southern California climate. I was able to take my 8- and 9-year-olds to the beach, and this is what we were greeted with, Mr. Chairman. ''Contaminated'' signs that have been there for

so long that they are not made out of paper, they are made out of weather-resistant plastic because the contaminated beaches of southern California have been allowed to perpetuate for a long time.

My colleague from Ohio [Mr. BROWN] continually points out how great the successes have been on Lake Erie. I appreciate that his children can swim in their water. My children cannot. My children cannot or should not be swimming in our water, not because of some business or because the government has not done its job under the existing rules, but because under the existing rules our government regulations have done a job on the environment. I point out the fact, Mr. Chairman, that there have actually been environmental rules interpreted by bureaucracies to state that because the area has been polluted for so long that there is a possibility that a sewage-based ecology has been created and thus is protected under environmental regulations. And that may stand in the way of diverting sewage away from this area and into a sewage treatment system as we all know it should be.

At the same time, this same problem has been going on, the same area has a mandate coming down from EPA to treat our sewage in a manner that both Scripps Institute of Oceanography and the Academy of Sciences say are inappropriate and actually damaging to the environment. But these regulations are taking precedence over the environment, Mr. Chairman.

What the substitute will say is that those of us who are the victims of inappropriate government regulation will not be able to go to court, will not be able to use the justice system to be able to straighten out the insensitivity of the bureaucracy.

I stand here as somebody who has worked almost two decades trying to take care of the pollution problems in my neighborhoods and in my district, and at the same time trying to keep the EPA from requiring us to spend over $3 billion to $6 billion on so-called improvements that will not benefit the environment or the public health.

Mr. Chairman, I stand in opposition to this amendment because it will not allow the citizens of my district to stand up and demand that they get preferable and fair treatment from the Federal Government and that government regulations will not continue to constitute one of the greatest public health risks southern California has seen, not the lack of environmental regulations but the inappropriate application thereof. That is why I stand in opposition to this substitute motion.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Brown substitute. I have some serious concerns about H.R. 1022, which is before us today. It started out with the best of intentions: reforming the Federal regulatory system. We all agree that change is needed in this system and change is starting to occur, in the Clinton Executive Order No. 12866, in the Reinventing Government work, and on a number of fronts in individual agencies.

I think that most of us agree that any legislative measure to speed this change in a constructive direction is welcome. What is not welcome is the bill that has emerged from Committee consideration. Somewhere between the original intent of this bill, something has gone wrong. The problems with this bill are so extensive that only a substitute measure can correct them, and for that reason I am supporting the Brown Substitute.

Let me give you a single example of the problems with H.R. 1022. The bill, in Section 201(b)(1) states:

> Notwithstanding any other provision of Federal law, the decision criteria of section (a) shall supplement and, to the extent there is a conflict, supersede the decision criteria for rulemaking other wise applicable under the statute pursuant to which the rule is promulgated.

This single sentence overrides every existing statute and imposes the risk analysis and benefits calculation process outlined in this bill. Where is the list of these statutes that are being overridden? It does not exist. During committee markup, the comprehensive list of statutes was requested, but was not available. The report accompanying H.R. 9, the original legislation from which this bill was derived, has a simple table outlining some of the statutes overridden. But it is not complete, nor do we know today what the impact of approving this sentence will be.

And this is not a partisan concern. Republican Members of the Science Committee observed in the report on H.R. 9, which contains this same preemptive language:

> (T)itle III may undermine landmark laws that were enacted only after years of work and discussion to create a delicate balance of interested and affected parties—laws that range from protection of food and drinking water quality, to aviation safety, to hazardous waste management, and preservation of wildlife. (Supplemental Views, Report # 103–33, Part 2.)

The Brown substitute contains a savings clause that makes its provisions in addition to and not in place of the provisions of existing law. That is the sane way to legislate. I urge my colleagues to support this substitute.

Mr. CRAPO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important for us to understand precisely what this debate is about. The legislation we are discussing today would require that under the existing Federal system of law under which the regulations are now implemented, that we look at whether what we are doing is cost-beneficial. It requires first that we assess the risks which our regulations seek to reduce and then we assess the cost of what the regulations are requiring us as a society to pay in order to reduce those risks.

If it is determined that we are getting only a very minute increase in the reduction of the risk at a very expensive cost, then it is expected that the agency will say that this is not a cost-beneficial decision and we as a society can better spend our limited resources in another way.

Yet there are previous statutes that often set absolute requirements that the Federal agency will then say they must meet. The central debate here is: If we determine after a cost-benefit analysis that moneys can be expended, better for the environment, better for our health, better for our safety in another way, should we let a prior statute tell us that that cannot be done? Should we let a prior set of laws tell us that we cannot conduct a cost-benefit analysis, that we cannot find a better way, that we cannot go forward and use common sense in application of Federal regulations and must continue to follow old approaches?

No. This legislation does not change by itself any previous law; this legislation says we are going to look at the regulations that come out and we are going to see what new efforts by the agencies do and compare what the costs of those regulations, whether it is justified by this benefit.

The current costs of our Federal regulatory programs are estimated to be between $430 billion and $700 billion every year, and are increasing every day.

Yet Congress has never in a significant way reformed our regulatory program to consider meaningful risk assessment and incremental cost-benefit analysis. We have to reform the way our Federal Government operates and take the burden of unreasonable regulations off the backs of the American people.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding, and I think he went to the heart of the problem when he suggested that we are in fact trying to make certain new regulations written even under old rules actually make sense and are based upon good science.

What amazes me is to hear the opposition to this bill suggest we do not want to do that. If in fact there is no benefit to the costs being incurred under the Clean Air Act, should we not know that? Is it not something that should be evaluated?

The point is, if there is a benefit, then we go ahead and do it, even under this bill. But to suggest, as they are suggesting, that you should not even do the cost-benefit analysis to find out what the case is, is, I think, a monument to the position that they are taking: That the status quo works just fine.

The other point I would like to make to the gentleman is we are having a chance more and more to review the

substitute that we had not seen heretofore.

But it strikes me very odd, for instance, that the substitute drops out the Corps of Engineers from coverage, which is covered under our bill.

Now, I do not know any Federal agency that has had more of an impact on the country, and some adverse environmental impact, than the Corps of Engineers. And yet, under their substitute, the Corps of Engineers is specifically dropped from coverage.

One has to wonder who got to them. Why in the world would you drop out this huge agency, which has this massive environmental impact, from a bill that is forcing us to look at cost-benefits? If there is any place we ought to look at cost-benefits analysis, it is some of the work that the Corps of Engineers have done over the years.

I am just puzzled as to why that particular agency is one that is dropped from coverage under this bill.

I thank the gentleman for yielding.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield to me?

Mr. CRAPO. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, I do want to clarify for my friend from Pennsylvania [Mr. WALKER], the way the Clean Air Act works. The Clean Air Act has health-based standards so that people can breathe the air and know that their health is not going to be damaged. Then we have to figure out the strategies to achieve that.

This bill would take the health-based standards and weaken it because they would have a cost-benefit analysis of what the health standards are. Otherwise, in the Clean Air Act we have technology standards on toxic air pollutants, and those technology standards are important. If you want to go through the risk assessment, you can go on for years and years and years. We ought to at least use the best technology we have to reduce the pollutants that cause cancer, birth defects, and environmental damage.

I did want to clarify that for the gentleman.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. CRAPO was allowed to proceed for 2 additional minutes.)

Mr. CRAPO. I yield further to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman.

Mr. Chairman, I understand full well what the case is. But the fact is that some of the things that have been done under the bill have proven to have absolutely no benefit. Now, in fact, if they meet health standards that have some benefit, then they will certainly be able to go forward under this bill, But if, in fact, they cannot meet the cost-benefit analysis under the bill, then they would not go forward.

It seems to me that even under the health standard, we ought to be assured people are actually going to be benefited from the costs. That is what the gentleman cannot stand. He cannot stand the idea that we would actually have to have a benefit at the end of all of this and that the costs should justify the benefits.

Mr. CRAPO. I thank the gentleman for his comments. The point is very clearly made. This bill does not change any standard. It requires us to look at what is done under existing statues and any new regulations that seek to impose further requirements under that statute we must first assess under that statute what kind of a risk, how big is that risk, and what benefit will it give us and at what cost to society to get to that point?

Mr. BURR. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from North Carolina.

Mr. BURR. I thank the gentleman for yielding to me.

Mr. Chairman, if I understand it, we could go through a cost-benefit analysis and judge something as not worthy of the attention of the Federal agency and in fact there might be something else that is prioritized out there that actually is in the best benefit of the American people.

Mr. CRAPO. That is exactly right. The point is we have limited resources in this society, and we must place them and use them most effectively.

If we are spending the last 80 percent of our money on a very minor increase in the safety to our people when we could use that money for significant safety and environmental and health increases, we need to know that and we need to function in that way.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from California.

Mr. WAXMAN. I thank the gentleman for yielding.

Mr. Chairman, the issue is not whether you are going to look at a cost-benefit analysis or risk assessment or supersede all existing laws.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has again expired.

(On request of Mr. WAXMAN and by unanimous consent, Mr. CRAPO was allowed to proceed for 1 additional minute.)

Mr. WAXMAN. If the gentleman would yield further, I would like to finish my statement on this issue because we do cost-benefit analysis when we develop the strategies to achieve health standards.

But what this bill would do is to supersede the Clean Air Act completely and not even have health standards that would be required to be met.

I think that is offensive because it weakens the exact purpose of the law, which is to protect the public health from pollutions.

Mr. CRAPO. This bill does not eliminate any health standard.

Mr. WAXMAN. The gentleman is incorrect.

Mr. CRAPO. What it says is: If the health benefit standard is not beneficial, then we must find a more cost-beneficial use for the funds.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from California.

Mr. BILBRAY. I thank the gentleman for yielding.

Mr. Chairman, I think I want to point out the gentleman from California is aware of the fact that we are not talking about static standards here. The fact is there are conflicts that have not been addressed when we go to decommission a fuel tank. But the public health exposure of the air pollution created by that regulation is never fully considered under the existing system. In areas where you may have a saltwater aquifer, implementing the Federal law may actually expose the public to more than not doing anything.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has again expired.

(On request of Mr. WALKER and by unanimous consent, Mr. CRAPO was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

□ 1900

I think one of the things that needs to be looked at here is the fact that under the clean air standards one of the tests that many industries have had to meet is an opacity standard even though the smokestack was cleaned up to a point that there was no health risk. EPA went on and suggested that they had to achieve an opacity standard which then says that it has to be completely clean coming out of the stack.

Well, what we are suggesting is that maybe the cost-benefit of achieving the opacity standard, which has nothing to do with health, is too great, and it ought to be looked at as a part of doing the work.

Mr. CRAPO. Mr. Chairman, I thank the gentleman. Let me just make one example, and then I will yield back my time.

I think that maybe we could look at an example. Right now we have a Federal standard, the Delaney clause, that basically has been interpreted to say that we must, in that particular health area, reach a zero tolerance, a zero risk standard. That is what the law says, as the gentlemen over here have said, and we had significant agreement last year in this Congress that we should address that so that we can use our resources

more intelligently. This act would allow us to do that.

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has expired.

(On request of Mr. BROWN of Ohio and by unanimous consent, Mr. CRAPO was allowed to proceed for 2 additional minutes.)

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. Mr. Chairman, in the committee report on page 36, Mr. WALKER's Committee on Science talks about the Clean Air Act as superseded, the Resource Conservation Recovery Act, RCRA, superseded. One issue, after another, after another. I say, If you don't like the Clean Air Act, let's debate the Clean Air Act. It passed this Chamber overwhelmingly, passed the Senate overwhelmingly. If we want to dismantle clean air, as apparently people on the other side of the aisle do, let's debate it. Let's not try a back door approach where people don't really quite understand exactly what's happening when you supersede these laws. Let's come out. Let's have hearings. Let's have longer hearings than we had in committees on this legislation where both sides come out, both sides can talk about it. We can hear what the issues are and really decide.

Does the public want us to undo the Clean Air Act? I do not really believe that.

Mr. CRAPO. Reclaiming my time, I think it is very important to point out this act does not eliminate the Clean Air Act, and any impression, indication, of that is wrong.

What this act says is that a cost-benefit analysis must be done and that if a cost-benefit analysis done by the very agency that manages the Clean Air Act shows that what we are doing is costing us much more than the benefits that it is yielding, then we have got to look at that law and find a better way to approach it.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from California.

Mr. BILBRAY. I do not know why everybody is so scared of just bringing some reasonable application to law.

I say to my colleagues, you're not destroying the law by making sure that it's applied reasonably. You're reinforcing it. You're making sure that the intention is finally executed.

The frustration out there is the fact that the reasonable application of the law has been lost, and this brings back a dose of reality, a little reality in the application of these regulations which will fulfill the law, not destroy it.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield?

Mr. CRAPO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. When the cost-benefit displaces clean air, when the cost-benefit displaces—when those calculations displace public health issues, public health standards, when my area of Ohio has some of the highest breast cancer rates in the country and we do not know why, and we only are going to look for cost-benefit analysis, and yet it is superseded by this law, it simply does not make sense.

Let us get out and debate these issues so we know what we are really doing——

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has expired.

(On request of Mr. WALKER and by unanimous consent, Mr. CRAPO was allowed to proceed for 1 additional minute.)

Mr. WALKER. Mr. Chairman, will the gentleman yield to me?

Mr. CRAPO. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, the gentleman referred to a chart in our committee report. The gentleman, I think, ought to read beyond just the chart because when the word ''supersede'' is used, it is used when existing legislation does not permit risk assessment cost analysis or peer review.

In other words, they passed this legislation, it passed, and the gentleman just admitted now we do not know. We have a lot of stuff we do not know as a result of, as a result of, a lot of this legislation. He made the statement himself.

What we are saying is that we are now putting in place a mechanism whereby we can have cost-benefit analysis and we can have risk assessment, and they do not wipe out the present law. They simply add on a case-by-case basis an ability to do these kinds of assessments in the future as new regulations come forward.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield for an explanation?

Mr. CRAPO. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. If I could ask the gentleman from Pennsylvania to explain on page 29 of the bill, notwithstanding any other provision of Federal law, the decision criteria of subsection A shall supplement and, to the extent there is a conflict, supersede——

The CHAIRMAN. The time of the gentleman from Idaho [Mr. CRAPO] has expired.

Mr. WAXMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I worked on the clean air law for 10 years before it was adopted in 1990, and let me tell all my colleagues that this bill that is before us today would supersede the clean air law, and it would supersede it in terms of the health base standards. That is exactly what is intended, and what would happen when it says that this bill will supersede the rulemaking under any other existing law. This legislation would take laws like clean air, clean water, safe drinking water and supersede them, take the guts out of the bill, of the laws, that are in there to protect the public health, and they take away the flexibility on the parts of the States to make them work. They do not add a streamlining or cost-benefit analysis that we never had before. They put in so many roadblocks that the laws just will not work.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. BROWN of California. Would the gentleman concur with me that the Brown substitute remedies this defect?

Mr. WAXMAN. Absolutely.

Mr. BROWN of California. And that it would allow us then to go ahead and conduct the cost-benefit analysis and the risk assessments that the gentlemen are so happy to see?

Mr. WAXMAN. I do not think anyone disagrees with the idea of doing a cost-benefit analysis, a risk assessment, trying to get the information that will help us make the right decision when we adopt regulations to enforce the laws, but there were some laws that were designed to protect the public health, and to say to protect the public health is really not going to be the objective any longer because this bill is going to supersede it, and we are going to look at whether the standard ought to be subject to some kind of analysis, which would mean it is a weakened standard, and then the strategy to develop that standard is also weakened as well, what we have is a mush. What we have is a rejection of laws that have been on the books since 1970; in the case of the Clean Air Act, signed by President Nixon, with a great deal of pride by Members of the Congress on both sides of the aisle, that we would try to protect the public health from pollutants that injure, and to a great extent millions of people now live in areas where they can breathe safer air because of all this work.

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Idaho.

Mr. CRAPO. I think that the point that we are trying to make is that the only circumstances in which this statute would supersede any other statute is in that case where an agency has made a cost-benefit analysis and a risk assessment and has determined that the increment of increased safety, or increased health or increased environmental protection that is obtained is not justified by the cost.

Mr. WAXMAN. If that were true, if I can reclaim my time, we would not be arguing about it, but that is not the way I read the law because the way I read the law that is being proposed is it will subject existing laws to a whole new analysis to redo them again, and not only that, the elevation of the least cost-effective way to achieve the results would mean that other factors could not be taken into consideration.

Let me give my colleagues an example of what that would mean: Carol

Browner, the head of the Environmental Protection Agency, testified before our committee, and she said that, if this were the law, she would have to put an inspection and maintenance program on automobiles all over the country. Why? Because that is a very cost-effective way to reduce pollutants from cars. But it is not the best political way to do it. The better way would be to have new cars to reduce pollutants by being made to pollute less. That means that the auto industry would bear the cost rather than the individual consumers having to spend a lot of money to get their cars inspected, to have the changes in the way the cars work, to achieve those standards for many years thereafter.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, does the gentleman realize what he just said?

Mr. WAXMAN. I think so.

Mr. BILBRAY. We are talking public health, and now the gentleman is talking the fact that it is the political answer that he wants to make sure is still on the table.

That is fine, but let me just say we for 20 years—the gentleman has worked on this; I understand that. I administered it. I say to the gentleman, ''You got to understand for 20 years we were pushing people towards the use of diesel. We thought that that was a great health standard. The fact is diesel has a toxicity above benzene.''

But what we are saying is, ''Let's go back and check. Let's look at these things from reality.''

Mr. Chairman, I know when they passed these laws they meant them to be health based, but, God forbid, let us not make the health based strategy somehow subservient to some kind of political whim.

What we are saying is that environmental protection is a science, not a religion and not politics, and what we are trying to talk about is, ''Let's put science ahead of politics when it comes to environmental protection.''

Mr. WAXMAN. I do not disagree with that statement at all, but what this bill says is, ''You have to, no matter what, take the least cost-effective way to achieve the result.'' That sounds fine except when we get into the reality that some States would like to have flexibility.

I asked Governor Wilson from my State when he testified before our committee would he favor a bill that would repeal the clean air standards as ambient standards based on health, and he said, ''Absolutely not.''

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

Mr. PALLONE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the substitute amendment.

Mr. Chairman, I strongly support the Brown substitute because I do believe it achieves the basic purpose of risk assessment, which is to safeguard public health and the environment without wasting limited resources.

The laws Congress has passed to protect public health and safety are on the books for a reason. United States citizens deserve to know that the food they eat, the air and water in the surrounding environment and the power plants they live alongside are safe, and I believe that H.R. 1022 in its current form will do more harm than good.

First and foremost, I have serious doubts about the bill's approach to regulating different types of risks. While the legislation was conceived with the EPA in mind, it has been expanded to apply to nearly all Federal agencies with health and safety responsibilities. At best this approach may solve problems that do not actually exist; at worst it may undermine effective agency programs already in place.

If I could take a bit from the gentleman from Pennsylvania [Mr. WALKER] in what he was saying before, part of the problem I see with the legislation and why I prefer the substitute is because I believe that the substitute allows more flexibility. There are certain agencies which are included under the rubric of the bill but which are exempted in the substitute, and I believe the reason for that is because many of those agencies that are exempt from the substitute are already carrying out valid risk assessment cost-benefit analysis, and I am fearful that with the bill in its current form it will simply be superseded by a new, more rigorous procedure. I think we need flexibility with these agencies. A lot of them are already carrying out good risk assessment.

If I could give an example with the NRC, the Nuclear Regulatory Commission: The Nuclear Regulatory Commission for years has conducted cost-benefit analyses of all proposals to upgrade nuclear reactor safety under the so-called backfit rule. This standard has been in effect since 1985, and has been upheld by the courts and is familiar to all those who come before the agency. It is not clear to me to what, if any, safety gain would be achieved by making the NRC adapt to H.R. 1022's new cost-benefit approach. The Brown substitute exempts the NRC because the agency already performs risk assessment tailored to its specific needs.

I would argue that the same is true in a different way for the Army Corps of Engineers which the gentleman from Pennsylvania [Mr. WALKER] mentioned. The Army Corps of Engineers conducts very extensive cost-benefit analyses before any water project begins.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. PALLONE. I yield to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, I should point out that the reason we have left the Corps of Engineers out, at least I am informed by the staff, is because they modeled after the H.R. 9, which had left it out, which was part of the contract that we thought, ''Well, at least here's part of the contract we can follow,'' so we left it out also.

Mr. PALLONE. Mr. Chairman, my point is that many agencies are already carrying out good risk assessment, good cost-benefit analysis, and I think that is the type of flexibility we need. There may be some instances where we need to do it, but we do not want to supersede the risk assessment that is valid and is already being done.

Second, I am also worried about the burdens H.R. 1022 in its current form may impose in terms of money and delay, whether they fall on the Government, industry or the public. I fear that this will only intensify regulatory gridlock since it will spawn new layers of bureaucracy to carry its prescriptive procedural requirements. As we all know, more bureaucracy slows the pace of agency action, and, while this may sound attractive to some, delay for its own sake will neither improve Government efficiency nor help the average citizen.

Now, if we look at the Brown substitute, I believe it is preferable because it allows each agency more flexibility in the way it performs risk assessment, and I believe it will result in less cost and less bureaucracy.

□ 1915

My third and final overriding concern is that this bill may undermine safety protections embodied by current law because the bill contains a supermandate which would override existing law. While there certainly may be some problems associated with some of the regulations issued pursuant to such laws, should we really be using a supermandate to revise our major health, safety and environmental laws overnight? I do not think so. I do not think so. The Brown substitute basically eliminates the mandate and declares that nothing in this legislation is intended to modify existing health, safety, or environmental laws. I believe that this legislation in its current form rushed through two committees in a lot of haste. It shows. We can see the haste. I urge my colleagues to reject it and adopt the Brown substitute.

Mr. BURR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, what we have had is a continuation of the rhetoric that we heard already in committee. The reason that there is so strong opposition to this bill is the fact that many of the rules that are on the books today, if they were to go through a cost-benefit analysis, would not pass. They would be judged not in the best benefit of the American people.

It is time that we speak up for what is in the best interests and benefit for not only the health, but for the taxpayers out there. It is this bill that will allow the risk analysis, that risk

assessment to be done, and a cost-benefit analysis to be performed on it.

The fact is that we should go back and we should look at things that are already on the books to determine are they in the best interests of the American people. But if we do not pass this legislation, that will not happen.

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. BURR. I yield to the gentleman from Idaho.

Mr. CRAPO. Mr. Chairman, I would like to respond to some of the points that were made earlier with regard to whether this statute supersedes all other health codes or requirements and requires us to look at only cost. In the statute itself, under decisional criteria, it talks about the fact that the agencies promulgating rules subject to this statute must certify, and then in subsection 3 on page 29, that they are to be the less cost-effective at achieving a substantially equivalent reduction in risk, or B, to provide less flexibility to state, local, and tribal governments or regulated entities in achieving the otherwise applicable objectives of the regulation.

What it says is flexibility at state and local level as well as cost effectiveness are written into the statute. The point I make is as we address the question of the Federal regulatory burden that faces this country, this statute says let us look at what benefits these regulations are giving us and what the cost of those benefits is.

The point is that every time we take a societal resource and allocate it to one benefit, that means we cannot use it on another benefit. If we find that we can save one or two lives by spending a million dollars here and save 100 lives by spending it over here, this statute says let us find that out and let us put our money where it will do us the best good.

Mr. PALLONE. Mr. Chairman, will the gentleman yield?

Mr. BURR. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, my concern is, when you talk about flexibility, that the bill in its current form is not more flexible. I understand what the gentleman is saying. You are saying you think there is going to be more flexibility for the States or whatever. But when you establish one set of procedures about how you are going to go about risk assessment, and essentially ask agencies that are already doing risk assessment, such as the NRC, that they have to retool and go through a new procedure, the danger I think is that you have good risk assessment procedures on the books that are being used by some of these agencies that are going to actually be eliminated, and they are going to be asked to retool and come up with a new way of doing the risk assessment or the cost-benefit analysis that may not be as flexible and as good for those things that come under the rubric of their agency. So I see less flexibility, and that is one of my concerns.

Mr. CRAPO. Mr. Chairman, if the gentleman will yield further, the whole point of the purpose behind this statute is, and I am willing to work with everybody in this body, is to find the most effective and best way to conduct risk assessment and cost-benefit analysis. If we need to refine this over the years and make sure it works the best, that is fine. But the problem we face now is that many of the regulators say to us, let us go back to the Delaney clause, the Delaney clause standards make us do this, regardless of what our risk assessment says. Regardless of whether this is cost beneficial, the previous statutory standards make us do this.

When they say they will make us do this, they say we under our own risk analysis or own cost-benefit analysis, we believe there is a better way we can spend our resources. But the regulations and the statutes that we are dealing with have a requirement in them that we cannot ignore because of our own approach to the statute. The point here is that the sole time that this statute would supersede something that has been developed previously by this Congress is when the agency determines that the increase in benefit that it provides to society is not justified by the cost of society. I do not see how you can object to having that kind of common sense put into our law.

Mr. BILBRAY. Mr. Chairman, will the gentleman yield?

Mr. BURR. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Chairman, my colleague from California pointed out the inspection and maintenance of the vehicles as being an issue. But I think if you look at page 29, section 3, you will see right in there is a vehicle to be able to carry this kind of reasonable application.

In California we got into this issue and a major conflict between the State of California and the 30 million people thereof and the U.S. Government over what is the best way to go. What we were able to do is not abandon the cost-effective aspect, but prove that we had a better, more cost-effective, more socially acceptable way to be able to address it.

We run into these conflicts all the time, to where you have unique situations in certain areas, and that part of reality is not allowed to be included; where you will have the Federal Government requiring that we talk about reducing pollution by maybe 3 percent by requiring ride sharing, and then at the same time the same Federal Government is allowing foreign commuters to come in that constitute 14 percent of the pollution. But that is ignored.

Through this process we will be able to have a give-and-take to develop these rules, rather than what we had in California, which was a major conflict.

Ms. RIVERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, throughout the course of today we have heard a lot of criticism of H.R. 1022. Unfortunately, the way that criticism has been met is with the accusation that the only way anyone could possibly oppose this particular piece of legislation is if they support entirely the regulation climate as it stands right now.

This is just not true. Most of the people in this Chamber, Members of this body, want to see a change in the regulatory climate in this country. What we are disagreeing over is how to do it.

I think a good way to explain the differences is to recognize this overregulation for what it is, which is a cancer which has spread across the face of this Nation. When we have a cancer patient, there are lots of ways you can treat this individual. If your only focus is on killing the cancer, probably the most simple, easy way to do that is to kill the patient and the cancer dies with the patient.

If, however, you are hoping to have a healthy, safe, productive patient at the end, you need a skillful surgeon who will come in and cut only that which needs to be cut, to leave the healthy systems intact, to leave the important organs available to do their work. That is the difference between the approaches that are going on here.

Our side of the aisle is not arguing that the status quo should remain. Our side of the aisle is not arguing that we like regulations. It appears that the other side of the aisle has chosen to use the best defense is a good offense as their strategy, and I resent it. I want to see a system put in place that makes sense legislatively, that works practically, and that will allow us to have clean water, clean air, safe food, safe cosmetics, and all of those things that we take for granted.

Frankly, the bill that is being proposed does not meet that criteria. We need to reject it.

Mr. DOGGETT. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Texas.

Mr. DOGGETT. Really, I think it is confession time. I think that we need to confess on this side of the aisle that an error has been made, that really the distinguished Member from California has committed a grave sin with this substitute. The sin, of course, of moderation. The sin of reasonableness. The sin of balance. The sin of gentlemanliness in trying to fashion good public policy.

There was a time in this House when the idea of balance, when the idea of reason, when the idea of trying to reach some agreement between conflicting interests, when that was of value. But no longer. Because we have had the Gingrich revolution, and revolutionaries do not have time for working out the differences between conflicts in public policy. Revolutionaries

do not have time for reason. They have only quick fixes. And that is what we have before us tonight. Not an attempt to get through risk true risk-benefit analysis. Rather, an attempt to put the risk as far as public health and safety, to put all that risk on the backs of the American working families and to take all the benefits and give the benefits to the special vested interests who want the authority to do whatever they please without any oversight from public authorities.

That is the problem with this risk-benefit. Some might say it is balanced, but the only balance is to balance that burden on the backs of families across this country. And I think that is an imbalance.

The problem with this whole risk-benefit assessment is that it is the American people who are being assessed with all the risk of threats to their health and safety under this piece of legislation, and the distinguished gentleman from California [Mr. BROWN] has erred, has sinned, because what he suggested is that we need to reason together and work out reasoned, balanced public policy. But that is out the door now. Now we have to have a revolution.

At least there are some Republicans who speak up against this. In fact, I think the most effective and specific comment on this piece of legislation that we are debating tonight has come not from the Democratic side of the aisle, but has come from the Republican side, in fact on the other side of the Capitol, when the distinguished Senator from Rhode Island, a Republican Member, Senator CHAFEE, has described this very piece of legislation as ''a prescription for gridlock.'' Because what is at stake here is not risk-benefit analysis, but a piece of legislation time.

The CHAIRMAN. The time of the gentlewoman from Michigan [Ms. RIVERS] has expired.

(At the request of Mr. BROWN of California and by unanimous consent, Ms. RIVERS was allowed to proceed for 2 additional minutes.)

Mr. DOGGETT. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Texas.

Mr. DOGGETT. What is at stake here is not cost-benefit analysis, but a weird kind of system to gum up the whole regulatory process, not to analyze the cost or benefits, but to ensure that no regulation on the public health and safety will ever get out of a regulatory agency unless it has been so watered-down until we have the least of the least of the common denominators and something is put out in the name of protecting the public health and safety, which probably only serves to protect the vested interests that want it in there in the first place.

Let me give you an example of just one provision in this bill which the wise gentleman from California had the bad judgment to try to reason with. And that is the provision concerning conflict of interest. Because perhaps for the first time in the history of this country, instead of trying to prevent conflict of interest, this piece of legislation that we debate tonight does not prevent it; it says we have got to have it.

It says we need conflict of interest. We have got to mandate that when we have peer review of each of these new regulations, that the people who have an economic interest, that have a financial interest, they are not excluded. No, if they have got an ax to grind, the regulatory agency cannot exclude them. They have got to be included.

Think about what that means. It means if we are trying to do something, as another distinguished Member of this body from California has struggled so ably to deal with, the problem of tobacco, that when an issue concerning tobacco is before a regulatory agency it is essential that they have tobacco company scientists, people bought and paid for by the tobacco companies, to be there, to advise on whether it is good science.

This is not putting science ahead of politics. It is putting lobbyists and people who are bought and paid for by vested interests ahead of both. And that is wrong.

The CHAIRMAN. The time of the gentlewoman from Michigan [Ms. RIVERS] has expired.

(At the request of Mr. WAXMAN and by unanimous consent, Ms. RIVERS was allowed to proceed for 5 additional minutes.)

Mr. DOGGETT. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Chairman, when I have always heard the term ''peer review'' before this bill, I guess as a former judge I have always thought about a jury of one's peers, a jury of one's equals. Well, what kind of scientific equals, what type of scientific peers are included under the bill without the Brown substitute?

Well, it is just about like the jury that we see right now in the O.J. Simpson trial. If we took O.J.'s lawyers and put them on the jury, we would have the kind of peer review that is proposed under this piece of legislation. Because it mandates those who have an economic interest in the matter, that they be the jury. And that is just one of many provisions that is wrong with this bill. It is not about good science, it is about good lobbying, it is about good vested interests, it is about ensuring that we do not protect the public health and safety unless we turn it over to the people that created the problem and the threat and the danger to the people of this country in the first place.

Mr. WAXMAN. Mr. Chairman, will the gentlewoman yield?

Ms. RIVERS. I yield to the gentleman from California.

Mr. WAXMAN. This bill is one of the most poorly drafted, thought through pieces of legislation I have ever seen.

□ 1930

It is being rushed through this House without due consideration. We had a hearing for a day or two, a markup that went on for 10 hours. We had to do it with 1 day for only one purpose, because it is in the Contract for America.

This bill is going to pass because a lot of Members figure, well, they will vote for it and the Senate will clean it up or the President will veto it.

But it is an irresponsible piece of legislation. It supersedes existing law. If we wanted to supersede laws, the gentleman made reference to tobacco, there is nothing that is a greater risk than tobacco. When we look at the actual causes of death, according to the Centers for Disease Control, tobacco is No. 1. Then you get poor diet or exercise, alcohol, infectious agents, pollutants, and toxics way down there. They should have superseded the laws that prevent agencies doing anything to protect kids from tobacco. Tobacco companies are pushing their products on these kids. People who breathe in secondhand smoke suffer a health risk. But they did not supersede that.

They superseded the laws that are on the books to protect public health like the Clean Air Act, the drinking water law, and the others. I think that the American people ought to know really what is involved here. This is a pretty cynical bill. It is not well thought out and certainly does not do what it is claimed to do.

Mr. DOGGETT. Mr. Chairman, to be entirely fair about it, I cannot exactly say that this bill was rushed through our committee, because as the distinguished chairman indicated, we had a whole 2 hours, a whole 2 hours to consider the substitute. So there was time to reason about risk benefit. In fact, there was so much reasoning that during much of the questioning of the general counsel of our committee to explain this bill, he had to continue to turn around and whisper and talk to the lobbyist that were behind him to provide the answers to answer the members of the committee.

That is the problem with these peer review committees, as we have set them up, because we are going to have those agencies turning around and whispering to whatever special interest is out there that wants to block the protection of the public health and welfare.

The American people may not understand very much about this bill. It is a lot of gobbledygook about risk benefit and science this and that. But there is one thing they can understand. That is that this bill mandates a conflict of interest, and I say it is a pretty sad time in the history of this country, a tragic time, at a time that there are a lot of things going on around this House and around this city about conflict of interest, about ethics problems, and this is

part of a broader pattern where we come in under a rushed piece of legislation and we mandate and demand a conflict of interest be included in the way our regulations are set.

I say to the gentleman from California, I appreciate the fact that he is on this matter and he continues to demand that we approach things in moderation instead of giving in to the special interests that think they can write everything up here.

Ms. RIVERS. Mr. Speaker, reclaiming my time to finish my remarks, I said that we are all interested in eradicating the cancer that is found in overregulation. This side of the aisle, however, wants the patient, the American public, to survive healthy, safe, and productive. Under 1022, they will not.

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

In case my colleagues on the other side of the aisle have not seen, our country is being strangled by overregulation. This is coming not from the actions of people who have just now achieved some sort of influence because of the last election but because of actions that have taken place over the last 20 years when Members on that side of that aisle had all the time in the world to act, and the Members on the other side of the aisle did not act.

People have been thrown out of work. We have seen billions of dollars of resources wasted. We have seen fundamental concepts of freedom that were always part of the American system just totally negated by this rush for regulation that we have seen in the last two decades.

My liberal colleagues have given such power to the bureaucracy to regulate that it has become a major threat not only to the freedom but to the well-being of this country. That is why in the last election, in November, the people turned away from those who had been making the rules before, the people who are making the arguments tonight.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding to me, because he was a part of the process that we went through in the committee that the gentleman from Texas rather cavalierly noted lacked integrity. But I think that the gentleman from Texas ought to probably read the bill before he makes statements that are completely erroneous with regard to any mandate for people with financial interests to be a part of peer review.

The fact is there is no such thing in the legislation. The gentleman knows that and yet misrepresented it.

Let me read the language which is in the bill. Let me suggest that the language in the bill that creates the peer review panel says this:

> Shall provide for the creation of peer review panels consisting of experts and shall be broadly representative and balanced and to the extend relevant and appropriate, may include representatives of state, local, and tribal governments, small businesses, other representatives of industry, universities, agriculture, labor, consumers, conservation organizations and organizations.

That does not sound like a mandate for special interests to me. That is the language that creates the peer review panels. The gentleman from Texas had it absolutely wrong.

Mr. ROHRABACHER. Mr. Chairman, reclaiming my time, what that is is a formula for including the public. What was created by the liberal Democrats when they controlled both Houses of Congress was a regulatory dictatorship. And the reason power has shifted in this House is because the American people have felt oppressed, and they see that their standard of living is declining because there has been no balance to the regulatory process. And their rights have been trampled upon by unelected officials.

Mr. DOGGETT. Mr. Chairman, will the gentleman yield?

Mr. ROHRABACHER. Mr. Chairman, the reason I will not yield is because we were very, very gracious in providing the gentleman the extra time he needed. But at a time when we wanted to ask him questions, he was not gracious, even after we had granted him extra time to open up for questions.

If I might finish my statement, I will move forward.

What we have in the United States today is far from the freedom that we had years ago and the American people understand that by granting the bureaucracy the powers that the liberal Democrats granted, it has not made us appreciably better off and, in fact, is detracting from our economic well-being

Certainly, some lakes were polluted and they have been corrected. There were problems in the past. But what we went on in this regulatory power grab in the last few decades was a situation where the regulators, who were given power to solve some problems, expanded and expanded and expanded their authority to the point that it, indeed, threatened the freedom and well-being of the country.

We plan to turn that around. That is what this is all about.

When we talk about peer review, as my colleague from Pennsylvania demonstrated, we are talking about opening up the process so that the American people will be able to effect the regulations that are heaped upon them by unelected officials.

Our bill has judicial review, which is also a protection of our citizens. Their substitute has no judicial review. We talk about a new way of doing things, because it is necessary now to change the way this government has been acting in order to ensure the well-being of our people. That is what this bill is all about. That is what this substitute is against.

Ms. HARMAN. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Brown substitute.

Mr. Chairman, I appreciate the poetry of the last speaker. I do, my colleague from California, but now maybe it is time for a little prose.

Over the past 2 years, many of us on this side of the aisle have supported legislation to reform the federal regulatory process. Last month this Member voted for the unfunded mandates bill to help reduce the burden of federal regulations on state and local governments, and last week this member voted to simplify and declare a moratorium on regulatory action. I support the concept of risk assessment and last year I joined with you, I believe, to vote against the rule on elevating EPA to cabinet level status because risk assessment and cost-benefit amendments were not even allowed to be considered.

I also supported the bipartisan Committee on Science risk assessment bill that was proposed by Members ZIMMER and Klein in the last Congress.

But, Mr. Chairman, to me the issue is not whether risk assessment legislation must be enacted. It is what is a responsible way to achieve a risk assessment program?

I have a number of concerns about H.R. 1022. First, I am worried that the bill's judicial review provisions will cause a litigation explosion in federal courts and could turn into the full employment for lawyers act. Any special interest group, including environmentalists and businesses alike, would be able to cause regulatory gridlock by subjecting interim agency processes to judicial scrutiny.

Second, like many Members on both sides of the aisle, I am concerned about H.R. 1022's provisions which would override any conflicting substantive requirement in federal law.

I agree that many existing environmental health and safety laws are broken. However, to fix these problems, we must address these issues head on through a statute by statute examination.

And finally, while H.R. 1022 purports to ease the sting of federal regulations, I am concerned that the legislation will create too much new federal bureaucracy and red tape.

The bill would create a regulatory maze that could end up wasting hard-earned taxpayer dollars.

Mr. Chairman, the Brown substitute is a strong risk assessment and cost-benefit bill without the problems in H.R. 1022.

I urge the House to accept the Brown substitute and, therefore, to adopt a responsible risk assessment cost benefit bill.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words. I rise in opposition to the substitute.

Mr. Chairman, I think Members should pay attention to page 16 of the bill in which it says the document shall

contain a statement that places the nature and magnitude of risk to human health, safety and the environment in context, in context. Such statements shall, to the extent feasible, provide comparisons with estimates of great or lesser and substantially equivalent risks that are familiar to and routinely encountered by the general public as well as other risks.

The reason I bring that up is this. Several speakers have indicated we are rushing to judgment. For 14 years and even years before that, the gentleman from California [Mr. BROWN] and I have served on the sometimes powerful House Committee on Agriculture in an effort to ride this animal called FIFRA out of the chute and finally get some legislation with regard to food safety and finally repeal the clause called the Delaney clause that called for zero risk. Everybody agrees that has to be done.

We have tried and tried and tried to forge a coalition between industry, agriculture, and the environmental groups, all to no avail.

Part of the problem is the climate that we have had in reference to the whole pesticide issue and the whole business of risk assessment. That is what this bill is all about.

The gentleman from California, and his knowledge about this issue is second to none of anybody in the Congress, referred to the alar situation and the fact that it was concerned about children that led to that dispute. It is my recollection that the 60 Minutes story on alar just did not happen.

In fact, it was carefully planned by the Natural Resources Defense Council with the aid of a very savvy public relations firm called Fenton Communications.

In fact, in a memo published by the Wall Street Journal it was indicated as that report was being finalized, Fenton began contacting the media all throughout the country and that agreement was made with 60 Minutes to break the story. And later in that memo Mr. Fenton stated, a modest investment by NRDC repaid itself many fold in tremendous media exposure and submitted his campaign was a model for other such efforts.

What we had was a proven formula for really raising controversy and manipulating the public opinion. And it sure was not sound science. This was a strategy of manipulation that had serious implications for agriculture. In the food safety policy arena, the Congress was left out. The EPA, as a regulator, was left out. The scientific community in its research function was left out. Everybody in agriculture was left out, except the apple producer and they lost $400 million.

□ 1945

What we need is an approach to have risk assessment put in a common language that everybody can understand. Accurate science today lies in the eyes of the beholder, and today we have reached the point where risk assessment, based on so-called accurate science, is a shotgun marriage between science and politics. We have in chemical detection technology today the resources to detect parts per trillion, parts per trillion, so we can find a little bit of chemical everywhere we look. Almost everything is contaminated by something else.

Mr. Chairman, let us put this issue into perspective. The cancer risk in regard to aflatoxin, what we find in peanut butter sandwiches we feed our children that is 75 times greater than the dietary risk from minute amounts of the chemical EDB that has already been banned as a grain fumigant.

The reason I brought that up is I can remember in past debates on this issue, when people were worried about the amount of daminozide, which is the same thing, in peanut butter, and what was safe for our kids.

We come to find out that if everybody in this body had to consume the same amount of peanut butter and aflatoxin that the poor lab rat did before he went legs up, everybody here would have to consume 600 pounds of peanut butter a day.

Judging from the debate, I know some people over there that I would like to feed 600 pounds of peanut butter a day to, and it would certainly gum up the debate, or at least maybe shed a little bit of light.

A swimming pool, a child swimming in a swimming pool for an hour may be exposed to chloroform, that is a byproduct of the chlorination we have, at levels that exceed the risk by EDB, which again was a grain fumigant that was banned, I am not for bringing it back, but we chlorinate the pool because the risk of disease and infection from bacteria is much greater than the risk in regard to the chloroform. That is what risk-benefit is all about.

We have a pesticide law, I mentioned it before, FIFRA, and we have the Federal Food and Drug and Cosmetic Act.

The CHAIRMAN. The time of the gentleman from Kansas [Mr. ROBERTS] has expired.

(At the request of Mr. BROWN of California and by unanimous consent, Mr. ROBERTS was allowed to proceed for 2 additional minutes.)

Mr. ROBERTS. Basically what this law says is that these products should only be used when the benefits really exceed the risk. If they do not, if the risks are greater, then the EPA should and does have the authority to ban the use of any kind of product on an emergency basis.

In regard to risk-benefit, and I will sum up, and this is the whole issue, my word, when we talk about gridlock, when we talk about time consumed on this issue, 14 years; more than that, 15 or 20 years? People crawl out of train wrecks faster than we handle the food safety laws around here.

We have a good bill, H.R. 1627. We need to move on it. I think we have good bipartisan support. However, this bill will, at least by peer review, describe risk assessment so the American public knows what the real risk is.

I think common sense would tell us and the American people should understand that in this debate what we are in far greater danger of, harm in regard to these kinds of risks, are from lightning, dog bites, drowning, falling down, too much sunshine, certainly smoking, certainly if we get into the smart juice; or getting in our cars to drive to the grocery store to eliminate the products that some say are unsafe, you are in greater danger of having a car wreck going down to the grocery store in regards to the products. I find it incredible that some in our country would legalize drugs and ban apples.

The whole point is I think if we had a cost-benefit yardstick here, or a description that every American could understand, we could put the food safety debate in proper perspective. We could get to risk assessment that would not endanger the apple industry or anybody else that would be in the barrel in regards to these unmitigated attacks on agriculture, and the risk-benefit or the risk assessment would be based, certainly, on sound public opinion.

Ms. JACKSON-LEE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would simply ask the question as to whether or not we are listening to each other. It is good to engage in eloquent prose and poetry and debate, which it seems we have been doing. I wonder whether or not we are hearing. What we are saying on both sides of the aisle, Democrats and Republicans, is that we believe in risk assessment and cost-benefit analysis.

I rise to support the Brown-Brown substitute to H.R. 1022. Because we are saying the same thing, I would hope that we would be able to listen to what is actually the best way to do what we are all trying to do. I prefer to accomplish that reform in an open and honest way that does not overreach and cause more problems than the existing system.

Banning apples, making drugs legal, none of that reaches the point. The point is if we want cost-benefit analysis and risk assessment to work, we must make it work in an open and fair way so that the States and local jurisdictions can work along with us.

H.R. 1022 envisions a complicated and detailed system of actions, all set out in statute and without a judicial review disclaimer, all reviewable in the courts. The reform process in this bill will add another $250 billion to the Federal cost of regulation.

We are all talking about reinventing government, bringing down the cost of government, and yet this legislation adds $250 billion to that cost. In addition, the provisions of this bill will cost industry millions more in the cost of developing the data that this bill requires.

Finally, which is a point that is very important, State governments will be saddled with these costs as well, since these provisions apply to State permitting decisions made under Federal laws, such as the Clean Water Act permits.

If the State and local agency that tries to modify this process to better suit their jurisdictional needs does this, remember that they can be taken to court by anyone and made to comply with every phrase and sentence in the bill.

Mr. Chairman, I would like to just speak about this for a moment. Coming from local government, making every effort to comply with Federal regulations under State guidance, the idea that we would be susceptible at every turn to judicial review is overwhelming. The costs would be burdensome. It would be unimagineable.

If we are trying to emphasize unfunded mandates, why would we have legislation that would then ultimately impact negatively the State, counties, and cities?

If this is such good regulatory process, why is it so costly and convoluted? The supporters of H.R. 1022 claim that the existing system is convoluted and costs many millions of dollars, and that the cost of H.R. 1022 is justified when the reduction of the burden on the private sector is factored in.

I do not think that washes. I want to reemphasize the impact it would have on States who would try to be creative and comply with the regulations, and then be hauled into court. We all agree that the existing system needs to be changed. Most of us would agree that the existing system is convoluted and inflexible.

Again I emphasize, we are saying the same thing. Let us have effective legislation. Therefore, the Brown-Brown substitute amendment indicates we can do this in a fair manner. It would force major Federal health, safety and environmental regulations, those with an impact of $100 million or more, to comply with a revised system of regulation, providing for independent peer review, cost-benefit analysis, worst-first regulatory priority setting, and a host of other reforms; again, an honest and open process.

These major rules account for 97 percent of the costs imposed on industry by Federal regulations, so these provisions represent a significant reform. Is that not what we are asking for? Is that not what we are talking about, Republicans and Democrats alike? We are talking about positive reform in order to make this country work.

Mr. Chairman, the Brown substitute does not expand judicial review. It does not frighten me, as someone who had been in local government and State government, that at every turn I would be subject to costly litigation.

It does not contain a broad override of existing law, and explicitly states there would be no unfunded mandate imposed on the States in the substitute, for counties and cities as well.

Mr. Chairman, I support sane regulatory reform, and therefore support the Brown substitute, so we can do this in an honest and fair manner, but more importantly, to listen to each other and to provide the kind of legislation that will make this reform work.

Mr. FIELDS of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the debate over the last number of years has revealed strong differences among some Members about the role of the Federal Government and risk assessment and cost-benefit analysis. The view from outside the Washington Beltway, from Governors, mayors, school boards and small and large businesses, is that there is a serious problem concerning the credibility and impact of Federal regulatory programs.

A number of Members, however, believe that rules which increase annual costs between $25 and $100 million should not be subject to cost-benefit requirements. Many of these same Members advocate that risk and cost-benefit legislation should essentially be unenforceable. In my view, such an approach would shield the Federal bureaucracy from real accountability and effectively neuter the legislation.

I am further reminded of how those who oppose judicial review for the Federal bureaucrats were eagerly prepared to impose penalties under the Toxic Substances Control Act on ordinary homeowners during real estate transactions. Last year I opposed radon legislation which placed requirements on ordinary home sellers and even those who rented out rooms. Republicans argued that such an approach intruded on State law and would swamp the Federal courts with millions of violations during ordinary real estate transactions.

We asked EPA to justify its support when the possible penalties were as high as $10,000 for failing to hand out a hazard information pamphlet. An amendment to remove this provision was offered, but the administration and the Democratic leadership prevailed. Moreover, the League of Conservation Voters scored the amendment as an anti-environmental vote.

I think I can guarantee that such an approach to expand the Federal regulatory octopus to ordinary homeowners will not occur this Congress.

I am struck, however, by the double standard and the passionate defense of the Federal bureaucracy by the same Members who are so willing to impose Federal penalties and litigation on ordinary homeowners. Congress has simply added new regulatory program upon new regulatory program. America is long overdue for real change.

I strongly support H.R. 1022, the Risk Assessment and Cost-Benefit Act. The bill provides a strong, enforceable system of accountability, disclosure, peer review, and careful analysis of regulatory alternatives. This is a critical building block for Federal regulatory programs to ensure that our national resources reduce real risks and set realistic priorities.

Mr. Chairman, I urge my colleagues to support the bill.

Mr. KLINK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as I listened to the debate, like the gentlewoman from California who spoke a few moments ago, I would like to remind my colleagues on the other side of the aisle, I joined many of them in voting against the rule that would make EPA a Cabinet-level position, because we did not have the opportunity to take a vote on any amendments that had to do with risk-cost assessment. I think risk assessment is a good idea.

However, that said, I think 1022 is a bad bill, and I think the process that brought us to this point is a bad process. Mr. Chairman, I was elected not for 100 days but for 2 years. We have time to do this bill and do it correctly. I think that the Brown substitute takes us one huge step in that direction.

The OMB reports that 97 percent of the total cost of Government regulation occurs as a result of regulations with an economic impact of $100 million or more.

We need to do risk assessment on H.R. 1022, because what are we spending? How many millions of dollars are we spending to go back and get a portion of that remaining 3 percent, and to take that figure from $100 million down to $25 million?

The substitute that is offered by the gentleman from California [Mr. BROWN] and the gentleman from Ohio [Mr. BROWN] sets the limit of major rule at $100 million. I think that is a very important step.

Under H.R. 1022, hundreds of Federal employees would have to be hired to do risk assessment, cost-benefit analysis, and arrange for peer review of regulations that have a financial impact of as little as $500,000 for each State. That is the level that is set in the current H.R. 1022 language, going back to the $25 million figure.

Mr. Chairman, we have to wonder, as we put all of this legislation in, the kind of order that we are passing it. First of all, we come out here after only being in town for 3 weeks and we pass a Balanced Budget Amendment. Then we come in and we want to talk about risk assessment that CBO says could cost the Federal Government a minimum of $250 million per year.

We are in the process of trying to cut down on the size of Federal Government. The reinventing government that has been headed up by Vice President GORE is designed to cut 252,000 Federal workers out of the Government.

□ 2000

Yet we understand, Mr. Chairman, that under this bill we might have to

hire as many as 5,000 additional Federal workers to do risk assessment and cost-benefit analysis.

Mr. Chairman, again I have to wonder about the consensus. That as we are passing legislation that says unfunded mandates, how much of an unfunded mandate is this bill going to pass on to the States and to the cities as they are our partners in handling these regulations? I think the Brown and Brown substitute makes a huge step in that direction.

I think that the gentleman from Ohio [Mr. BROWN] also in a Dear Colleague that he put out talking about his substitute made a great point when he said:

> This amendment was drafted based on the very language that was included in the majority Science Committee report. It would expand section 3 to eliminate the 23-step risk assessment process for those situations where prompt action is necessary to avoid death, illness or serious injury.

I think that we have to take a very serious look at this amendment.

Mr. BROWN of Ohio. Mr. Chairman, will the gentleman yield.?

Mr. KLINK. I yield to the gentleman from Ohio.

Mr. BROWN of Ohio. I thank the gentleman from Pennsylvania [Mr. KLINK] for yielding.

May I inquire of the other side, because of time constraints on the total time we are allowed to debate, how many more Members are planning to speak on the other side? I would ask the gentleman from Pennsylvania [Mr. WALKER] if someone can let us know how many Members are speaking.

We have several other amendments to offer. I imagine your side has a few. We would like to bring this to a close as quickly as possible if I can inquire how many Members you have. We have 2 or 3 left on this side.

Mr. WALKER. If the gentleman will yield, I have 2 that I know of on my side.

Mr. BROWN of Ohio. Can we make an agreement of no more than 3 on each side so that we can bring this to a vote?

Mr. Chairman, I ask unanimous consent to end all debate at 8:30 on this substitute. We have debated the substitute for 2-plus hours already and in the total of 10 hours to consume, we have about seven or eight more amendments on our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Reserving the right to object, Mr. Chairman, as I understand what the gentleman is proposing here, we would have a half-hour more of debate, that we would go until 8:30 and we would divide the time equally between the two sides?

Mr. BROWN of Ohio. If the gentleman will yield, sure. That is fine.

Mr. WALKER. And that would include any amendment to this amendment, is that correct?

Mr. BROWN of Ohio. We do not plan any. That is correct.

Mr. WALKER. Mr. Chairman, I have no objection to that.

Mr. KLINK. Reclaiming my time, and I will end with this, Mr. Chairman.

Mr. CHAIRMAN. The gentleman will suspend.

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent that the debate be concluded by 8:30 and both sides share equally in the time between now and 8:30.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio.

Mr. WALKER. Mr. Chairman, reserving the right to object, is the time of the gentleman from Pennsylvania [Mr. KLINK] going to be included in this now?

Mr. KLINK. Reclaiming my time, Mr. Chairman, I have about 30 seconds and I will be done.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. KLINK] is recognized.

Mr. KLINK. Mr. Chairman, I will wrap up very quickly. I just want to make the final point on the peer review.

The CHAIRMAN. If the gentleman would suspend, in order to settle this unanimous-consent request, is it the Chair's understanding that the time limit covers any amendments thereto?

Mr. BROWN of Ohio. Mr. Chairman, I withdraw the request until the gentleman from Pennsylvania [Mr. KLINK] has concluded his remarks.

The CHAIRMAN. The gentleman from Pennsylvania has 90 seconds remaining.

Mr. KLINK. Mr. Chairman, I will not take all of it. I just wanted to make one mention. That is, as I said earlier on, the process is what has bothered me. It is the process not only where we have come with drawing up this legislation but the period of time that we are dealing with in moving this legislation forward. It also relates to the peer review panel and it has been talked about. I just want to go to page 31 of the bill and item 3 at the bottom.

It says the peer review panel ''shall not exclude peer reviewers with substantial and relevant expertise merely because they represent entities that may have a potential interest in the outcome, provided that interest is fully disclosed to the agency.''

So we are not talking about excluding anybody but we are talking about the fact that these people most likely are going to be taking part in the peer review panels, they have helped to draft the legislation, they have helped to draft the Contract for America and I think that that is up to the Members of Congress, not up to special interests and lobbyists.

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent that each side have 3 more speakers for 5 minutes each.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. WALKER. Mr. Chairman, reserving the right to object, that was not what we agreed to. We agreed to the fact that we would have a half-hour more of time controlled equally on each side, 15 minutes on each side. That is the agreement.

Mr. BROWN of Ohio. Mr. Chairman, if the gentleman will yield, is he proposing, I ask the gentleman from Pennsylvania [Mr. WALKER] that each side control 15 minutes?

Mr. WALKER. That is right.

Mr. BROWN of Ohio. Fine.

Mr. WALKER. And that includes all amendments thereto.

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent that debate be concluded on this amendment and all amendments thereto at 8:35.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. BROWN] will have 15 minutes, and the gentleman from Pennsylvania [Mr. WALKER] will have 15 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Georgia [Mr. NORWOOD].

Mr. NORWOOD. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise to answer some very interesting statements that were made earlier by the gentleman from Texas on the other side of the aisle. When I hear him talk about the sin of reasonableness, the sin of balance, the sin of moderation, I have to ask, where has reasonableness, balance and moderation been over the last 14 years when that side of the aisle controlled this Congress?

We are here today basically to discuss not just cost analysis. When we hear the other side speak, we really hear only of cost analysis. We are here to allow and ask Federal agencies to do a cost-benefit analysis. We, too, want them to look at the benefit for the American people in terms of safety and health.

The problem is, you take situations that have occurred over and over in this country like the example where the EPA forced Columbia, Mississippi to clean an 81-acre piece of land that was contaminated with small amounts of hazardous chemicals. Who can be against that if a risk assessment is done? We all want those chemicals cleaned up if need be.

But what does the EPA do? They order the removal of 12,500 tons of dirt. Why could they not simply have just covered over that hazardous chemical with other dirt? Because the EPA based its cleanup standard on a theoretical child by eating half a teaspoon of dirt per month for 7 years?

The standard is based on a child eating more than half a gallon of dirt, so we spend $20 million to remove that dirt rather than covering it over for the cost of $1 million?

That is what is driving the American people crazy out there. They know we owe $5 trillion. They know we are borrowing a half a trillion dollars every 2 years. Yet we continue to allow a Federal agency to pass down rules and regulations that have absolutely no conflict of interest.

I notice that the gentleman from Texas talks about conflict of interest. He cannot believe that people with an economic interest could actually be invited to the table to discuss the problem.

I find that unbelievable that people who have been done to over the years with rules and regulations that are not necessarily reasonable cannot be invited to the table of the Federal agencies that are not elected to office to discuss the right and wrong of every regulation.

I know that the American people must not understand this bill, because I have been told that. But I am absolutely certain that the American people understand what has been done to them over the last 5 and 10 years in terms of excessive rules and regulations where so many are not necessary, where every time they lose another freedom.

I ask you all to please support our bill and vote against this amendment.

Mr. GANSKE. Mr. Chairman, will the gentleman yield?

Mr. NORWOOD. I yield to the gentleman from Iowa.

Mr. GANSKE. I really think that we ought to talk about the substantial differences between the Brown-Brown substitute and the bill. Really the substitute is full of language such as reasonable, and reasonable, and reasonable. But the real difference is in whether there is judicial review. It is as simple as that. Do you want to have the Federal agencies judicially reviewed, or do you not?

The Federal agencies I think for a long time have reviewed the actions of private citizens and would require them to submit to their regulations. I personally think it is time for the Federal agencies to have to justify, create a paper trail and to be under this realm of judicial review.

If we look at the Brown substitute, in section 15 under judicial review, ''Nothing in this Act creates any right to judicial or administrative review.''

A distinct difference between the substitute and the bill itself which in section 401 says, ''The court with jurisdiction to review final agency action under the statute granting the agency authority to act shall have jurisdiction to review, at the same time, the agency's compliance with the requirements of this Act.''

It is a distinct difference and that is what we have been talking about. We all agree, for instance, that cost-benefit analysis and risk assessment are important things. It is simply a matter of whether you want to go further and require the agencies to be under judicial review among other things. I do. I think that that is a good provision.

Mr. BROWN of Ohio. Mr. Chairman, I yield 6 minutes to the gentleman from Missouri [Mr. VOLKMER].

(Mr. VOLKMER asked and was given permission to revise and extend his remarks.)

Mr. VOLKMER. Here we go again, Mr. Chairman. We have got a new little wrinkle here this evening, today and tomorrow. Something that has not happened before again. I will have to admit that the majority have come up with a way to get around some rules.

As has been mentioned before in debate here, this bill will cost by CBO a minimum of $250 million. We have in our budget act under present law a provision called pay-as-you-go, or pay-go. And you are supposed to pay for that. But I do not see any paying for that. And how do you get around it? It was a pretty cute move.

You now have before you a bill that has never been reported by a committee. You have before you a bill that was introduced and brought out of thin air, put in the Committee on Rules and sent to the floor in order to get around pay-go. That is all it is.

I have heard the gentleman from Pennsylvania many times, his time here, as long as I have been here yell and holler about waiving the budget. He did not waive the budget. He just circumvented the budget act, snuck around it. That is all he did.

Where are we going? We are going to spend $250 million to do this? To bring this about? Where does the money come from? It is not in here. Not in here at all.

It appears to me by looking at this bill that is before us and the substitute, I find some things that—is the gentleman from California not on the floor?

We had a big time passing legislation, and I had hoped that the gentleman from Kansas who is the chairman of the committee would have yielded to me because I wanted to talk to him a little bit about it, but he did not.

If the gentleman from California could come up here for a few minutes, I want to do a little colloquy if I could. While we were passing legislation, we worked through the Committee on Agriculture, the House and the Senate, spent well over a year working on reorganization, restructuring the USDA. We put a provision in there for a cost-benefit analysis for all regulations in the future by USDA. Is that not correct, I ask the gentleman from California [Mr. BROWN]?

Mr. BROWN of California. If the gentleman will yield, that is correct.

Mr. VOLKMER. And the substitute that you now have before us basically follows the language that we incorporated, this House unanimously passed, both Republicans and Democrats just last year? Is that correct?

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Mr. BROWN of California. That is correct.

Mr. VOLKMER. Now, what has gotten so bad with it all of a sudden? All of a sudden that substitute is not any good anymore. People who overwhelmingly voted for it now condemn it, say it is terrible, say it does not do anything. Yet last year they were praising it. They were saying what a great thing it was.

Mr. BROWN of California. If the gentleman will yield further, this bill is somewhat more comprehensive than the one we passed last year, but the language, as the gentleman points out, is identical on subjects like comparative risk assessment, for example.

Mr. VOLKMER. I admit this bill goes further and your substitute goes further. But basically it is.

Mr. BROWN of California. Yes.

PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Chairman, now, the other thing that I find in the principal legislation that is ironical to make is that just recently we are moving things here so fast I cannot remember, we did a moratorium on regulations, if I remember right, that passed.

I would like to perhaps make a parliamentary inquiry to the Chair. Maybe the Chair can enlighten me a little bit. I think I know the answer to the question I am going to propose, and maybe the Chair can, if it is not a parliamentary inquiry, can say so, and then I will give the answer, and if they disagree with it, they can disagree with it.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. VOLKMER. We passed a moratorium-on-regulations bill. Let us assume that that bill is passed by the Senate day after tomorrow and goes into conference, and in the meantime the Senate takes this bill, which is going to pass this House by tomorrow, they take this bill up and pass it and send it directly the way it is to the President. the President signs it. It becomes law. The moratorium bill 2 weeks from now comes out of conference, passes the House and Senate, goes to the President, becomes law.

Is it not true that the moratorium legislation on all regulations would affect the proposed regulations under this bill?

The CHAIRMAN. The Chair cannot interpret what the enactment of that legislation would do.

Mr. VOLKMER. I did not think the Chair would know the answer. I agree.

Just one quick move to prove, to show, the point that if that happens, you cannot do what is proposed to be done in this bill in the 15 or 18 months, folks. It cannot be done, because you have a moratorium on all regulations including these regulations that are to implement the pay-as-you-go.

Mr. WALKER. Mr. Chairman, I yield 5 minutes to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, judicial review, what a radical idea that the regulatory bureaucracy should be accountable. My district was one of the first districts in the country to adopt, to implement, the enhanced air emissions testing under the Clean Air Act, and did so with a good spirit and the intention of hopefully being able to clean the air.

It did not take the people of my district more than 6 weeks to figure out the program was flawed and, frankly, was not based on science, and as we dug into it, we found out that not only had the EPA forced, threatened, sanctions on the State's economy, the adoption of this system, but that agency itself had not even complied with the Federal law requiring scientific studies that were supposed to be done.

So we had seven counties and 600,000 men and women who again attempted to comply with this and took all of 6 weeks to decide that the program should be canned. It was not only suspended, but we had a petition campaign in my State that will probably lead to its ultimate repeal.

But what about the actions that have been taken by the State? As we speak this evening, the Maine senate and the legislature in Augusta is debating what to do about a $15 million contract that was entered into in good faith with a testing service that was the mandatory choice under the EPA's plan, and at the same time that we are doing this, in the last 4 months, in fact, barely 2 weeks ago, the EPA on its own volition came in and said, ''Surprise, surprise, we don't really need to test in four of the seven counties, that, in fact, they are now in attainment whereas, before, they were in nonattainment.''

If you go back into the RECORD, you are going to discover the EPA cannot as of this date even verify where the pollution was coming from that they were requiring the people in my State to test for. In fact, there were two different versions offered by different officials within the bureaucracy. One official testified that if we took every car in the State and drove it into Casco Bay that the State of Maine could still be in noncompliance with the Clean Air Act. Another official said that the estimate of pollution coming from out of State and anywhere between 30 percent and 70 percent, and again, coming back to the fundamental requirement of the law, the EPA did not conduct the scientific studies it was required to conduct so there was any scientific basis whatsoever for the actions that were forced onto my State.

And as if that were not enough, many of the towns and cities in my State, in my district, are evaluating compliance with the sewer overflow requirement under the Clean Water Act, and I met with officials of the city of Augusta barely 10 days ago who are now staring in the face of a $30 million expenditure based on the scientific determination, or regulatory determination, by the EPA that water overflow as a result of a once-a-year rain event or the spring melt were creating bacteria counts that were excessively high, and so based on the fact that the Kennebec River is not swimmable during a heavy downpour or during spring melt, the citizens of the city of Augusta are going to be faced with the expenditure of $30 million. I do not know anyone in this city, but I know that the citizens of Augusta are smart enough to know they do not need to swim in the Kennebec River during a downpour, let alone during spring melt, at least in Maine.

Not only that, other towns and cities, the town of Bridgton water district is now going from testing routinely for 10 to 20 contaminants that, in their professional opinion, were scientifically appropriate to testing for over 280 different contaminants, most of which have no known presence in my State.

I think the provisions of our legislation providing judicial review, providing for a scientific assessment of the need and making sure that the costs are appropriate to the benefits that we can obtain are entirely consistent with what the citizens in my district expect us to do as their representatives.

Mr. BROWN of Ohio. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, H.R. 1022 mandates a uniform set of regulatory procedures for Federal agencies without flexibility.

Now, while the model used to develop the risk-assessment principles and guidelines included in the bill may fit some cancer risks, it is entirely inappropriate for regulating highway safety, and yet the Department of Transportation is required to follow the same rigid and appropriate procedure to evaluate risks as at EPA, and that simply does not make sense to me.

What I see is that the bill is sacrificing the Federal Government's ability to protect human health and safety or the environment for the sake of maintaining regulatory uniformity. It will produce bad regulations and will create an inflexible process that produces nothing but extra paperwork.

Mr. Chairman, I rise in support of the Brown squared substitute to H.R. 1022. The Brown substitute proposes a reasoned regulatory reform that expands the use of risk assessment and cost-benefit analysis to all major rules with an impact of $100 million or larger.

Now, those rules account for 97 percent of the compliance costs for Federal regulations. So nearly all of the Federal regulatory problem is brought under these reforms.

In addition, the Brown substitute does not expand the right of judicial review, preventing long litigious process to further delay regulatory reform. The substitute establishes a worst-first regulatory priority system so that the highest risks are the focus of regulatory action, not minor risks.

The Brown substitute was worked out between the Commerce and Science Committees and represents a rational approach to reform.

H.R. 1022, on the other hand, moves us in directions we should not be going if our goal is true regulatory reform. The scope of this bill is unknown. It sweeps in so many statutes and programs that even the sponsors of this bill cannot detail all of the current Federal statutes that will be affected or superseded. It allows expanded judicial review of the provisions of this bill and permits anyone with the money to hire a lawyer to take the Federal Government to court for noncompliance with the detailed processes described in the underlying bill.

Worst of all, H.R. 1022 actually adds hundreds of millions of dollars in costs to Federal regulatory efforts. The Federal Government pays more, State governments issuing permits under Federal laws will pay more, and industry will pay more as they have to develop more data to feed the reformed system described in H.R. 1022.

The Brown substitute does not add these costs and specifically states that there will be no unfunded mandate contained in this bill.

And it is my hope that my colleagues will join me in supporting the Brown squared substitute and the real regulatory reform that it proposes.

Mr. WALKER. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MICA].

(Mr. MICA asked and was given permission to revise and extend his remarks.)

Mr. MICA. Mr. Chairman and my colleagues, I have been slightly involved in this issue during the past year, and again we hear the whines and complaints from the other side.

We had an opportunity last year. We begged, we pleaded, we requested politely to bring this issue before the Congress, and at every juncture our pleas were not heard, and here tonight we have an opportunity to make some of these changes.

They did not hear us on the other side, but the Amercian people heard us, and they said they are tired of being tied up in regulations that make no sense, that put our people out of jobs, that do not address the risks to life, health, safety, and welfare of our people. We want to protect the environment, and we can do a better job protecting the environment, and the money we spend can be spent wisely if we adopt this bill.

I urge you, let us try something new around here. Try something new. Take a minute and read the bill. The bill is a good, well-thought-out measure, and it will protect us. It will do a better job in protecting the environment, and I urge the defeat of the Brown substitute.

We had a chance for that last year, and no one spoke to that. No one gave us that opportunity.

Mr. BROWN of Ohio. Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, while we were discussing these issues in here this evening, it was interesting to observe some of the newscasts tonight. Airline regulation on icing, 68 people dead, going over what needs to be done. People on television saying, ''Oh, if we only had the regulations, and after the experiments are over, we will do the regulations.''

Pesticides for home use, causing cancer in children. We need to have the regulations. It is on the news right now. It is not abstract, the way we are speaking here this evening. It is not anecdotal. These are things happening in our Nation.

Carpal tunnel syndrome, back injuries, ergonomics, the science of physical mechanics: How are we going to prevent increased workers' compensation, increased costs to business, hurting our people, our health care? These are the kinds of things that will be addressed if we taken up the Brown—Brown substitute.

This is what was happening realistically in our world tonight, not the overblown hyperbole that some of which was on the floor tonight.

I want to say I respect the admonitions of my old friend, the gentleman from Pennsylvania [Mr. WALKER], earlier today about speaking about the little guy, and my new friend, the gentleman from Georgia [Mr. NORWOOD]. who said he came here to fight and issued some of the anecdotal examples.

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I can have those as well in Hawaii. We have an absolute intolerance in Hawaii for contamination of our water supply. We cannot afford it. Where I live any contamination of the water supply has immediate disastrous consequences for us. So, these are issues that have to be addressed at the very time when we are supposedly diminishing regulations.

I believe that H.R. 1022 will hurt the little guy, will not address some of the issues that have been presented by some of our good friends on the other side. Now is the time to move toward the kind of regulatory reform as embodied in the Brown substitute and address the real world, the real world of icing on airplanes, pesticides for home use, carpal tunnel syndrome in the work force that exists today, and the kind of regulations for health and safety we have to provide for them.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BROWN].

(Mr. BROWN of California asked and was given permission to revise and extend his remarks.)

Mr. BROWN of California. Mr. Chairman, one final point:

I try not to be too sensitive, but my good friend, the gentleman from Pennsylvania [Mr. WALKER]. read some language earlier in the day having to do with comparative risk analysis which I will quote in which he said:

> * * * where appropriate and meaningful, comparisons of those risks with other similar risks regulated by the Federal agency resulting from comparable activities and exposure pathways. Such comparisons should consider relevant distinctions among risks, such as the voluntary or involuntary nature of risks and the preventability or nonpreventability of risks.

As I recall, he kind of ridiculed that language, and I would not mention it except that is the same identical language contained in his bill, and it is the language essentially that was passed by the House last year, and I would hope that he would not use his superior debating skills, which we all acknowledge, to take advantage of a poor old guy like me.

Now, having said that, Mr. Chairman, it seems to me that our amendment is much more consistent than H.R. 1022 with some themes heard with some frequency around here, cutting redtape, et cetera.

Over the last hour or so, we have tried to explain some of the problems that many of us on this side of the aisle have with H.R. 1022. As we have said before, there is a bipartisan consensus that regulatory reform is needed and that risk assessment and cost-benefit analysis are two critical tools that can lead to more reasonable regulations.

Unfortunately, we were not given the time to try to perfect H.R. 1022. Members on both committees had little opportunity to review the bill before markup. The bill itself is a moving target, changing at every new iteration, making it even more difficult for Members to understand what is in it.

But it is clear that H.R. 1022 is fundamentally flawed. If this amendment is defeated, we will be offering other amendments to try to correct some of the more egregious problems in H.R. 1022. No one should be misled into believing, however, that those amendments, if adopted, would cure the faults of H.R. 1022. For that reason, we are offering this substitute to attempt to illustrate what a rational regulatory reform bill could look like.

Make no mistake: This amendment does represent real regulatory reform. It incorporates the best of ideas from a number of bills, including H.R. 650, introduced earlier this year by Mr. ZIMMER. Like H.R. 1022, the amendment would require agencies issuing major rules to conduct risk assessments and cost-benefit analyses. Unlike H.R. 1022, we define major rules as those rules that are likely to result in $100 million or more in annual effects on the U.S. economy—the same threshold chosen by President Reagan over 10 years ago. According to OMB, that threshold captures 97 percent of the economic impact of all Federal rules.

Like H.R. 1022, the amendment also directs each of the major regulatory agencies to: Set regulatory priorities based on the seriousness of the risk and availability of resources, consistent with law; publish peer-reviewed guidelines for conducting scientifically sound risk assessments throughout the agency and ensure regional compliance with those guidelines; provide for independent peer review of the scientific information in risk assessments used in major rules; and describe fully and accurately the range of risks, with disclosure of important assumptions and limitations.

But more important is what this amendment does not do.

It does not override existing health, environment, and safety laws. Congress passed those laws after due consideration and debate. If any changes are to be made, Congress should make them directly to those laws, not through a back-door procedural gimmick.

Unlike H.R. 1022, the amendment does not expand judicial review, leading to endless and wasteful litigation. Courts will be able to review risk assessments and cost-benefit analysis relied on by the agencies in their rules.

Unlike H.R. 1022, the amendment is focused on the rules that truly impact the economy, and will not cost the taxpayers hundreds of millions of dollars every year to do studies on hundreds of regulations that have little impact. We won't need an army of new bureaucrats to carry out the requirements of this amendment.

Unlike H.R. 1022, the amendment does not purport to tell scientists how to do science. Phrases like ''central estimates'' and ''most plausible and unbiased assumptions'' may sound logical, but I can assure you that they have no agreed-upon scientific meaning. After an exhaustive review of EPA risk assessment practices, a congressionally mandated study released last year by the National Research Council of the National Academy of Sciences concluded that EPA's use of conservative default assumptions was sound. At the same time, the NAS encouraged EPA to disclose a range of risks and the limitations and assumptions used. That is precisely what this amendment does. It does not tell scientists how to do risk assessments, but rather requires them to disclose more openly and completely what they have done so that decisionmakers and the public can more easily understand the limits of risk assessments. It is also consistent with the recommendations of the National Commission on Risk Assessment, the congressionally appointed panel preparing recommendations on risk assessment practices.

The amendment would achieve real regulatory reform, but without the costly regulatory morass that would be created by H.R. 1022, and without overriding existing health, environment, and safety laws.

It seems to me that this amendment is much more consistent than H.R. 1022 with some themes heard with some frequency around here these days: cutting redtape, ending unfunded Federal mandates, reducing burdens on industry, cutting the size of the bureaucracy, improving the scientific basis of regulation, and limiting unnecessary litigation.

I urge my colleagues to join me and my distinguished colleague from Ohio, the other Mr. BROWN, in supporting this amendment.

I yield back the balance of my time.

The CHAIRMAN. The gentleman from Pennsylvania is recognized to close debate with 4 minutes remaining.

Mr. WALKER. Mr. Chairman, I thank the gentleman from California [Mr. BROWN] for pointing out the language in our bill, but he left out the most important point which is the point I was

making, and that is that under our bill we say, ''You have to use the risk assessment based upon those things which are familiar to and routinely encountered by the general public.'' That is what he left out, and that is the point. It is that one gets bureaucratic gobbledegook instead of things which are routinely available to the public and which they understand.

Now I was interested a little while ago when the gentleman from Missouri lectured us on the business of the budget. The fact is that the gentleman would check a little bit further on the rules, what he would find out is that there are no Budget Act requirements for discretionary spending. PAYGO does not apply to discretionary spending. We are talking about discretionary spending here. We solve this problem by having less regulations.

I say, ''You wouldn't have $250 million of expenditures if you simply did less regulation; problem solved.''

Now the thing is, the problem for the other side, that they are absolutely right with regard to the brown amendment. The Brown amendment would incur absolutely no additional costs. As a matter of fact, my guess is that the CBO would not even bother to score the Brown amendment because all of the agencies are going to be able to go on doing exactly what they are doing now under the Brown amendment.

For example, the hundred million dollar rule means that EPA, which in 1993 issued about 170 regulations, only about 1 or 2 percent of those would be covered under the Brown amendment. In other words, practically nothing would be done under the Brown amendment. We would end up with the situation just as it is now.

What does that mean? Well, we have heard about $250 million in costs. Two hundred fifty million dollars in costs has to be compared to $490 billion in costs that are being incurred by the economy as a result of regulation, $490 billion being imposed upon middle-class Americans by what the Government does. That is 2,000 times more than what they are talking about in terms of costs of this amendment.

Now, my colleagues, it seems to be that what the American people are worried about is 2,000 times more being done to them than what we do here. They are worried about $490 billion worth of costs that are destroying our ability to compete in the world. We look at global competition, and those regulations are undermining and destroying our ability to compete.

What does the Brown amendment say to $490 billion worth of regulatory costs?

''Keep it, just keep it. Don't do anything. Stop. Status quo. Do what we have done for 40 years, do nothing.''

Defeat the Brown amendment and make certain that as we go toward regulatory reform we do it for real.

Mr. FAZIO of California. Mr. Chairman, I rise in support of the Brown-Brown substitute. The substitute perfects the bill by recognizing the need to incorporate the concepts of risk assessment and cost-benefit analysis into the regulatory rulemaking process.

Regulations must be made in a commonsense manner that recognizes our limited financial resources. Put another way, we cannot implement regulations as if we have an unlimited pot of money to deal with these problems. We have to recognize our fiscal limitations and prioritize the hazards facing us.

The measure requires agencies to set priorities based on the seriousness of the risk and the viability of resources. Using a ''worst first'' approach, the substitute directs each agency to establish regulatory priorities based on the seriousness of the risks to human health, safety, and the environment.

The substitute requires assessments and cost-benefit analysis for all major rules. It requires agencies to compare risks to other comparable risks. It also specifically calls on agencies to state that benefits are likely to justify the costs and that the remedies chosen are cost-effective.

Peer review is essential to the public's faith in agency action. The substitute requires agencies to publish peer-reviewed guidelines for conducting risk assessments and sets forth a mechanism to ensure that the guidelines are enforced uniformly in each region.

Section 7 of the substitute requires each agency to establish a systematic program for independent peer review of risk assessment and economic impact projections of each agency. The agencies are required to respond to this independent peer review. To maintain the integrity of the peer review process, peer reviewers with direct conflicts of interest are excluded.

Finally, the substitute ensures that the right to judicial review is not expanded. It provides much needed certainty by reiterating existing law and emphasizing that it does not give new right to judicial review.

Mr. Chairman, I am proud to support this measure that represents true reform to the regulatory process.

Mr. VENTO. Mr. Chairman, I rise in support of the substitute offered by the gentlemen from California and Ohio.

The substitute amendment before the House is a rational well reasoned response to the need to better judge the efficiency of Federal Rules and Regulations. Frankly, the basic bill H.R. 1022 is a poorly conceived measure which would paralyze the Federal Government's ability to implement a host of environmental, health, safety and energy laws.

Rules and regulations are the wheels that laws are put into effect and H.R. 1022 as presented proposes to slash the tires and immobilize the laws as vehicles to implement the basic policy objectives inherent in the measure passed by the Congress and signed into laws by numerous Presidents.

The measure H.R. 1022 actually increases the complexity of the regulatory process by adding risk assessment and cost benefit analysis. These concepts and models are not some off the shelf material that can be applied in a cook book fashion to the problem at hand a proposed regulatory framework for action to implement a law.

Rather cost benefit and risk assessment exist in vague conceptual terms which will lend themselves to wide interpretation. The measure H.R. 1022 then subjects the entire regulatory process including these controversial new charges to judicial review. This is a formula for expense, controversy and gridlock.

I find it difficult to interpret this as a good faith attempt to deal effectively with red tape and the problems presented by the regulatory process. Rather this basic proposal seems designed to undercut the laws it embraces and to frustrate the implementation of sound policy. Certainly federal regulations and law are in numerous instances in need of change and sometimes counter productive, but this effort to circumvent the application and effectiveness of law is very troublesome.

The Brown-Brown substitute eliminates most of the defects of the basic bill, raising the threshold, making clear that this law is regulatory reform not a wholesale assault of environment, safety health and energy law. Furthermore the substitute eliminates the conflicts of interest on the peer review section by excluding special interests from drafting the studies and the rules themselves.

The substitute builds upon regulatory reform supported by and instituted by the past three administrations and enacted in the Department of Agriculture Reorganization Act of 1994. Judicial review is limited to the basic provisions of the Administrative Procedure Act making certain and predictable the flow of regulations rather than a rush for the court house when an interested party wants to delay a regulatory decision.

Many features of the substitute respond to the need for regulatory reform by setting rule making priorities, including risk assessment and cost benefit, but the substitute recognizes the difference between agencies and permits rules and analysis unique to such process. Most importantly the substitute permits the scientists to do science rather than super-imposing a political frame work and models upon the work that they are required to do by the law as is advanced in the basic measure H.R. 1022.

The basic measure H.R. 1022 is estimated to cost over 250 million dollars and frankly it would be taxpayer money poorly expended because it will be purchasing more red tape, more controversy and delay with regards to the implementation of law.

The basic measure seems a thinly veiled attempt to undercut a myriad of federal law that the proponents lack the overt support to achieve directly, but rather have chosen to put up a straw man argument of regulatory red tape and expense behind which they will achieve the gutting of basic environmental, safety, health, and energy policy which are in the public interest.

The Brown and Brown substitute answers the call for regulatory reform while preserving, not undercutting the basic laws; the existing problems that we face today are complex—certainly the environment, health, safety and energy laws must reflect that, we as a Congress must not sacrifice sound policy to the politically motivated that would undercut basic law. I urge my colleagues to support the substitute and oppose the basic bill, H.R. 1022.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from California [Mr. BROWN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. BROWN of Ohio. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 174, noes 246, not voting 14, as follows:

[Roll No. 176]

AYES—174

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Moakley
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pomeroy
Porter
Reed
Reynolds
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Sabo
Sanders
Sanford
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thornton
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—246

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—14

Becerra
Dicks
Flake
Gallegly
Gibbons
Gonzalez
Hunter
Lipinski
McKinney
Mfume
Rahall
Rangel
Rush
Wilson

□ 2053

Mr. HALL of Texas changed his vote from ''aye'' to ''no.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments?

AMENDMENT OFFERED BY MR. CRAPO

Mr. CRAPO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRAPO: page 5, after line 18, insert:

(5) EMERGENCY.—As used in this Act, the term ''emergency'' means a situation that is immediately impending and extraordinary in nature, demanding attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

Mr. CRAPO. Mr. Chairman, we have just had a significant debate about the importance of cost-benefit analysis. But there is one concern with this legislation that I think needs to be addressed. The legislation provides that the requirements of this act do not apply if the director of any agency subject to the act or the head of any such agency declares an emergency to exist.

□ 2100

The problem is that there is no definition in the act of what constitutes an emergency. Those of us who have had experience, whether it be in the legislative arena or in a regulatory arena, with a declaration of an emergency, know that it is very easy to declare an emergency. This leaves a loophole in the act that is probably big enough to drive a truck through.

The purpose of this amendment, which is very short and straightforward, is to provide a very carefully crafted, tight definition of what an emergency is. It requires the head of an agency to determine that there is some situation that is immediately impending, extraordinary in nature, and that it demands attention due to a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

The purpose of this is to make it clear that agencies are not entitled under this legislation and under the emergency provisions of this legislation to simply declare an emergency without good, substantial justification.

In the committee report, on page 28, it says that ''The mere existence of the usual kind and level of risk which any statute subject to this title is designed to regulate does not constitute an emergency.''

Again, the purpose of this is to make it so that the requirements of this act in all cases except a true emergency, where there is an immediately impending danger, extraordinary in nature, demanding immediate attention, under the circumstances designated in this amendment. In only those circumstances can the head of an agency declare an emergency and avoid the application of this statute.

Mr. Chairman, I think it is very important that we impose this kind of control over the statute, and require that the agencies not use this provision as a loophole.

Mr. BARTON of Texas. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I have worked on this bill in both the Committee on Science and in the Committee on Commerce. The gentleman from Idaho, Mr. CRAPO, is absolutely correct, there is no definition of emergency.

I think the gentleman's definition is well within the spirit and the intent of the legislation. It is well crafted, it is tightly drawn, it is very concise. Any member who plans to support the legislation would certainly not go against any other option if they vote for this amendment. I would hope that we will adopt it.

In the interests of time, I would hope we would adopt it by a voice vote.

Mr. BROWN of Ohio. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose this amendment because it narrows the definition of ''emergency.'' During the hearings that we had, as brief as they may have been, as uncomplete as they were, we heard witness after witness come in front of the committee concerned about the lack of flexibility given to the agencies to be able to deal with an emergency. This narrows the language even more by constructing a very narrow definition of ''emergency.''

Let me give two or three examples. When the Centers for Disease Control receive information about severe outbreaks of illness related to chryptosporidia, it can act to ensure that the outbreak of the illness is limited.

Prompt action is essential; not more lawyers, not more bureaucracy, not more government, not more Rube Goldberg ways to stop these agencies from acting quickly in an emergency basis, in imminent endangerment of the public.

When contaminated blood, another example, can be removed from hospitals and blood banks before it is used, before it infects some unsuspecting victim with HIV, the public health is protected, people's safety is protected.

Mr. Chairman, let me give another example. When a local nuclear reactor is not running quite right, should the NRC have to wait for a meltdown before it can react? Obviously not. They ought to be able to anticipate prior to an emergency, again to protect the health and protect public safety. It simply makes sense.

This amendment takes away any flexibility, and is one more example of adding to bureaucracy, meaning more lawyers, more government, more litigation, going in the exact opposite direction that people in this country want.

I ask for a defeat of the amendment. Tomorrow there will be an amendment to make sure that they have the authority, that agencies have the flexibility, to act to prevent an emergency situation to protect people's public health and public safety.

Mr. SCHAEFER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Crapo amendment to the Risk and Cost-Benefit Act of 1995, and I would commend the gentleman from Idaho for offering it.

Mr. Chairman, the emergency situation provisions is an important part of this legislation. It provides flexibility for unforeseen threats to public health and safety. However, an ill-defined standard of what actually constitutes an emergency creates a gaping loophole for improperly opting out of the review requirements. Without a standard definition, agency heads could be confused as to when they can exercise their authority.

The emergency situation provision delegates a great deal of authority of the Federal agencies in carrying out the spirit of this important legislation. However, this delegated authority should not be misinterpreted by agencies as giving them wide latitude in applying the provision. Consequently, it is imperative that lawmakers make the definition of the emergency situations provision very clear. The Crapo amendment achieves this goal.

Mr. Chairman, this amendment provides a very reasonable gauge of an emergency situation for Federal agencies to know when they can abbreviate the risk assessment and cost-benefit analysis requirement. I urge my colleagues to support this well thought out modification to the bill.

Mr. TAUZIN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Crapo amendment. Mr. Chairman, the argument is made that the Crapo amendment defining what an emergency is in the bill is too tightly drawn, perhaps too restrictive of the word ''emergency.''

Let me argue the contrary. The bill provides an exception to the act. It says that an agency that is undertaking a rulemaking does not necessarily have to do risk analysis, risk characterization, when an emergency exists in the making of a rule.

It does not say that risk analysis cost-benefit performance must be conducted on every agency action, carrying out an existing rule. To carry out a rule that already exists, the agency simply performs its function. It is in the new rulemaking, in the execution of new rulemaking decisions, that the act requires a risk assessment, risk characterization, and cost-benefit analysis.

It provides an exception even in that case. Even when it needs to move swiftly on a rule, if in fact it finds an emergency, it can avoid the very necessary requirements of looking at cost, looking at risk, and doing a relative analysis of the two.

The bill says that ''You can avoid this bill any time the agency head declares an emergency.'' I remember we had a rule in the sessions in Louisiana that you could only pass taxes in an off year, but the Governor wanted to pass it one year and it was not the right year.

He asked his advisor ''What can I do?'' He said ''You can declare an emergency.'' He said ''What is going to be the emergency?'' The emergency was that it was the wrong year to pass taxes, so he declared the emergency and proceeded. It was, of course, contested in court. Here the effort is to define ''emergency'' in a clear and concise way.

I want to call Members' attention to the words chosen by the gentleman from Idaho [Mr. CRAPO] in his amendment. If this amendment were restrictively written, we would probably see a lot of ''ands'' in it: ''you have to find this and that and this and that'' before you find an emergency.

However, look at the words. It says that ''It is immediately impending.'' What is an emergency if it is not immediately impending? It says it is extraordinary in nature. That indeed is the nature of an emergency. It says that it demands attention due a condition, circumstance, or practice reasonably expected to cause death, serious illness, or severe injury to humans, or substantial endangerment to private property or the environment if no action is taken.

On the contrary, this amendment is drawn to cover all of the real emergencies that should be useful in avoiding the real necessities of risk assessment cost-benefit analysis, when there is a real impending emergency.

Without this language, Mr. Chairman, any agency head can use that term ''emergency'' to avoid this act. With this language, with all of the ''R''s in it, you have to find something real that is present, that is pending, that is extraordinary, and can in fact cause damage to health or environment or to humans or to private property or to the environment itself before the agency can avoid this bill.

If this bill is worth passing, this amendment is necessary to make sure that agency heads abide by it. Remember, we are talking about rulemaking, not agency action. We are talking about rulemaking, and to make a new rule, you ought to follow this bill. If you do not want to follow this bill, there ought to be a real, impending, extraordinary emergency why, to make a new rule, you will not follow this bill.

I urge adoption of the amendment offered by the gentleman from Idaho.

Mr. BLILEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment.

Mr. CRAPO. Mr. Chairman, will the gentleman yield?

Mr. BLILEY. I yield to the gentleman from Idaho.

Mr. CRAPO. Mr. Chairman, I thank the gentleman from Virginia for yielding to me.

I would just like to respond on some of the issues that have been raised. It is very easy to raise the specter of a big problem that will occur if we do not have a very broad emergency language, but the examples given just do not fit it.

First of all, it says that serious illnesses that were considered would come under the jurisdiction of the Centers for Disease Control, which is not covered by this legislation; the same situation, at least to the contaminated blood issue; the nuclear reactor situation that was raised.

I would like to take each of these, whether we are talking about a threat to contamination of the blood supply, whether we are talking about a serious illness that is threatening the public,

or whether we are talking about a danger with a nuclear reactor.

What does this provision provide? It says that if you can find that there is a problem that is immediately pending, that is what we are talking about with those examples. It says it is extraordinary in nature; that is exactly what we are talking about, and that it presents a threat to the environment or is reasonably expected to cause death or serious illness, or severe injury to humans, substantial endangerment to private property or the environment. Any of those examples will trigger this.

As the gentleman from Louisiana [Mr. TAUZIN] has said, we have plenty of opportunity in here for an emergency to be declared in a real emergency. What we are trying to do is tighten that loophole so it is not so big that the exclusion eats the rule; so that this legislation, which is carefully crafted to address meaningful problems in our society, is not simply swept aside each time the agency head feels that there is a difficulty in facing the problem, and that they have to declare an emergency.

We have to put parameters on what constitutes an emergency. We have to make this bill mean it when we say we want to have real cost-benefit analysis.

Mr. WALKER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in favor of the amendment. I simply would point out that the language that the gentleman has offered tracks language on page 28 of the committee report. The committee report was very specific in not wanting to have emergencies defined as being something that is manufactured at the agencies, but that emergencies should be real emergencies, so the committee report language makes that clear.

The gentleman has tracked in his amendment that language in a very close fashion, and it is, therefore, acceptable to us.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of this very common sense bill and this very common sense amendment. This is just the kind of legislation that the American people anticipated when they went to the polls last November 8.

There are a couple of axioms from our heritage that I think are applicable to situations like this.

□ 2115

It has oft been said by our fathers and grandfathers that the cure should not be worse than the disease.

If we look back at many of our regulations which are now in effect, the cure has very often been worse than the disease, and one can cite as a good example of this the asbestos cleanup in our schools, costing billions of dollars and creating more environmental hazard than if it had been contained and left alone.

There is another observation made by an old country sage that put into very few words what this institution has sometimes had difficulty in understanding. His remark when trying to express his concern that the effort was not justified by the results, he would say, ''The juice ain't worth the squeezing.''

I suggest that there are a great many of our regulations of which this could be said.

I think that the American people expect that in any of these regulations, that the juice should be worth the squeezing, and this very commonsense bill and this very commonsense amendment will make sure of that.

As a matter of fact, Mr. Chairman, it might be retitled, the cost-benefit analysis bill to assure that in all future regulations, the juice is going to be worth the squeezing.

Mr. VENTO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this is an interesting amendment that my colleague makes because the presumption that you have to make is that somehow the administers, those at the executive branch of our Government somehow are not going to operate in good faith in terms of the emergency declaration. I suppose a further definition of that will help my colleagues so that we can be sure to get cost-benefit analysis and risk assessment.

I understand my colleagues want a lot more information with regards to these issues before we take action. I notice, though, Mr. Chairman, on page 12 of this bill, under the exceptions, this title does not apply to the risk assessment or risk characterization document containing risk assessment or risk characterization performed with respect to the following.

On page 12, what do we have? The sale or lease of Federal resources or regulatory activities that directly result in the collection of Federal receipts.

Like what? Well, perhaps like mining receipts, or grazing receipts, or timber receipts, or oil receipts. In other words, a cost-benefit analysis and risk assessment, that is wonderful for all of the regulations that are conjured up as causing all sorts of difficulty in this country, but apparently when it comes to timber roads, when it comes to mining, when it comes to exploitation and the government not being able to meet the bottom line when it comes out red with regards to a timber sale or when it comes out red with regards to mining when we are left with the cleanup and the cyanide and all the other problems that are associated with that, as long as it comes in in terms of bringing back some receipt from those water projects, you know, we may be losing $5 for every $1 we pick up, but the fact is then we do not want any cost-benefit analysis or risk.

When we have oil spills, we do not want any cost-benefit analysis. In fact, the gentleman from Pennsylvania that is rising to his feet implied earlier today that the Brown amendment did not cover the Corps of Engineers. I do not know if that was the case or not.

He was suggesting why was the Corps of Engineers excluded from this amendment? After all, we know the Corps of Engineers is responsible for significant water projects and activities across the land. He proclaimed broadly how important it was and that that was excluded.

Well, under the precepts that we have here, as I understand the gentleman's bill, now, this amendment was not put in in either committee, the Commerce Committee or the Science Committee, but all of a sudden it appears in this final version of the bill.

I would just suggest to the gentleman under the provisions of the bill that he has so artfully worked on, he has excluded many of those same water projects because they are involved in the collection of Federal receipts.

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield briefly to the gentleman from Pennsylvania.

Mr. WALKER. The gentleman said that this had something to do with cost-benefit. It does not.

The language that he refers to is only with regard to risk assessment. Cost-benefit analysis would be covered, so the gentleman would stand corrected.

Mr. VENTO. That is not the way I understand the gentleman's bill as I look at the gentleman's bill.

Mr. WALKER. The language on page 12 only applies to title I. It does not apply to title II.

Mr. VENTO. The gentleman is suggesting that we will do cost-benefit analysis of the leasing and of the water projects and we will do a cost-benefit of those under the provisions of the gentleman's bill?

Mr. WALKER. As long as it has a $25 million impact, I would tell the gentleman.

Mr. VENTO. I thank the gentleman, and I will continue to read this. But it seems to me that the provisions in this does exclude the risk analysis and the other provisions of the bill from these very projects that the gentleman suggests that he covers.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Idaho [Mr. CRAPO].

The amendment was agreed to.

Mr. WALKER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. KINGSTON] having assumed the chair, Mr. HASTINGS of Washington, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1022) to provide regulatory reform and to focus national economic resources on the greatest risks to human health, safety,

and the environment through scientifically objective and unbiased risk assessments and through the consideration of costs and benefits in major rules, and for other purposes, had come to no resolution thereon.

PERMISSION FOR CERTAIN COMMITTEES TO SIT TOMORROW, TUESDAY, FEBRUARY 28, 1995, DURING 5-MINUTE RULE

Mr. WALKER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit tomorrow while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Agriculture;

The Committee on Banking and Financial Services;

The Committee on Government Reform and Oversight;

The Committee on House Oversight;

The Committee on the Judiciary;

The Committee on National Security;

The Committee on Small Business; and

The Committee on Transportation and Infrastructure;

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Ms. WATERS. Mr. Speaker, reserving the right to object, we have consulted with the ranking member on our side and have no objection to this request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. DUNCAN] is recognized for 5 minutes.

[Mr. DUNCAN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. OWENS] is recognized for 5 minutes.

[Mr. OWENS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1995–1999

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. KASICH] is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

This report is to be used in applying the fiscal year 1995 budget resolution (H. Con. Res. 218), for legislation having spending or revenue effects in fiscal years 1995 through 1999.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, February 27, 1995.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 1995 and for the 5-year period fiscal year 1995 through fiscal year 1999.

The term ''current level'' refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature as of February 27, 1995.

The first table in the report compares the current level of total budget authority, outlays, and revenues with the aggregate levels set by H. Con. Res. 218, the concurrent resolution on the budget for fiscal year 1995. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 1995 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority, outlays, and new entitlement authority of each direct spending committee with the ''section 602(a)'' allocations for discretionary action made under H. Con. Res. 218 for fiscal year 1995 and for fiscal years 1995 through 1999. ''Discretionary action'' refers to legislation enacted after adoption of the budget resolution. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) discretionary action allocation of new budget authority or entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations printed in the conference report on H. Con. Res. 218 (H. Rept. 103–490) have been revised to reflect the changes in committee jurisdiction as specified in the Rules of the House of Representatives adopted on January 4, 1995.

The third table compares the current levels of discretionary appropriations for fiscal year 1995 with the revised ''section 602(b)'' suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocaitons were filed by the Appropriations Committee on September 1, 1994.

The aggregate appropriate levels and allocations reflect the adjustments required by section 25 of H. Con. Res. 218 relating to additional funding for the Internal Revenue Service compliance initiative.

Sincerely,

JOHN R. KASICH,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET

STATUS OF THE FISCAL YEAR 1995 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 218

REFLECTING ACTION COMPLETED AS OF FEBRUARY 22, 1995

[On-budget amounts, in millions of dollars]

	Fiscal year 1995	Fiscal year 1995–99
Appropriate level (as set by H. Con. Res. 218):		
Budget Authority	1,238,705	6,892,705
Outlays	1,217,605	6,767,805
Revenues	977,700	5,415,200
Current level:		
Budget Authority	1,236,489	NA
Outlays	1,217,181	NA
Revenues	978,466	5,384,858
Current level over (+)/under (−) appropriate level:		
Budget Authority	−2,216	NA
Outlays	−424	NA
Revenues	766	−30,342

Note.—NA=Not applicable because annual appropriations acts for fiscal years 1997 through 1999 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than $2.216 billion in new budget authority for FY 1995 (if not already included in the current level estimate) would cause FY 1995 budget authority to exceed the appropriate level set by H. Con. Res. 218.

OUTLAYS

Enactment of measures providing new budget or entitlement authority that would increase FY 1995 outlays by more than $.424 billion (if not already included in the current level estimate) would cause FY 1995 outlays to exceed the appropriate level set by H. Con. Res. 218.

REVENUES

Enactment of any measures producing any net revenue loss of more than $766 million in FY 1995 (if not already included in the current level estimate) would cause FY 1995 revenues to fall below the appropriate level set by H. Con. Res. 218.

Enactment of any measure producing any net revenue loss for the period FY 1995 through FY 1999 (if not already included in the current level estimate) would cause revenues for that period to fall further below the appropriate level set by H. Con. Res. 218.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

[Fiscal years, in millions of dollars]

	1995			1995–1999		
	BA	Outlays	NEA	BA	Outlays	NEA
House committee:						
Agriculture:						
Allocation	0	0	0	0	0	4,861
Current level	499	−155	0	497	−152	0
Difference	499	−155	0	497	−152	−4,861
National Security:						
Allocation	0	0	0	0	0	0
Current level	42	34	0	221	210	82
Difference	42	34	0	221	210	82
Banking, Finance and Urban Affairs:						
Allocation	0	0	0	0	0	0
Current level	−25	−25	0	−75	−75	0
Difference	−25	−25	0	−75	−75	0
Economic and Educational Opportunities:						
Allocation	0	0	309	0	0	5,943
Current level	8	−13	297	104	81	1,674
Difference	8	−13	−12	104	81	−4,269
Commerce:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
International Relations:						
Allocation	0	0	0	0	0	0
Current level	5	4	0	11	11	0
Difference	5	4	0	11	11	0
Government Reform & Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	4	4	−3
Difference	0	0	0	4	4	−3
House Oversight:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Resources:						
Allocation	0	0	0	0	0	0
Current level	−8	−5	4	0	−2	4
Difference	−8	−5	4	0	−2	4
House committee:						
Judiciary:						
Allocation	0	0	0	0	0	0
Current level	−59	−59	0	−6	−6	0
Difference	−59	−59	0	−6	−6	0
Transportation and Infrastructure:						
Allocation	2,161	0	0	64,741	0	0
Current level	2,161	0	0	4,375	0	0
Difference	0	0	0	−60,366	0	0
Science:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	0	0	340	0	0	5,743
Current level	2	2	334	3	3	1,888
Difference	2	2	−6	3	3	−3,855
Ways and Means:						
Allocation	0	0	0	0	0	214
Current level	44	−37	98	−3,674	−5,711	−3,655
Difference	44	−37	98	−3,674	−5,711	−3,869
Total authorized:						
Allocation	2,161	0	649	64,741	0	16,761
Current level	2,669	−254	733	1,460	−5,637	−10
Difference	508	−254	84	−63,281	−5,637	−16,771

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1995—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

[In millions of dollars]

	Revised 602(b) suballocations (September 21, 1994)				Current level				Difference			
	General purpose		Violent crime		General purpose		Violent crime		General purpose		Violent crime	
	BA	O	BA	O	BA	O	BA	O	BA	O	BA	O
Agriculture, Rural Development	13,397	13,945	0	0	13,396	13,945	0	0	−1	0	0	0
Commerce, Justice, State	24,031	24,247	2,345	667	24,001	24,247	2,345	667	−30	0	0	0
Defense	243,432	250,515	0	0	243,430	250,463	0	0	−2	−52	0	0
District of Columbia	720	722	0	0	712	714	0	0	−8	−8	0	0
Energy and Water Development	20,493	20,888	0	0	20,493	20,884	0	0	0	−4	0	0
Foreign Operations	13,785	13,735	0	0	13,634	13,735	0	0	−151	0	0	0
Interior	13,521	13,916	0	0	13,517	13,916	0	0	−4	0	0	0
Labor, HHS and Education	69,978	69,819	38	8	69,978	69,819	38	7	0	0	0	−1
Legislative Branch	2,368	2,380	0	0	2,367	2,380	0	0	−1	0	0	0
Military Construction	8,837	8,553	0	0	8,836	8,525	0	0	−1	−28	0	0
Transportation	13,704	36,513	0	0	13,694	36,513	0	0	−10	0	0	0
Treasury-Postal Service	11,741	12,256	40	28	11,575	12,220	39	28	−166	−36	−1	0
VA-HUD-Independent Agencies	70,418	72,781	0	0	70,417	72,780	0	0	−1	−1	0	0
Reserve	2,311	6	0	0	0	0	0	0	−2,311	−6	0	0
Grand total	508,736	540,276	2,423	703	506,050	540,141	2,422	702	−2,686	−135	−1	−1

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, February 22, 1995.

Hon. JOHN KASICH,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1995. These estimates are compared to the appropriate levels for those items contained in the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218), and are current through February 21, 1995. A summary of this tabulation follows:

[In millions of dollars]

	House current level	Budget resolution (H. Con. Res. 218)	Current Level +/− resolution
Budget authority	1,236,489	1,238,705	−2,216
Outlays	1,217,181	1,217,605	−424
Revenues:			
1995	978,466	977,700	766
1999	5,384,858	5,415,200	−30,342

This is my first report for the first session of the 104th Congress.

Sincerely,

JAMES L. BLUM
(For Robert D. Reischauer, Director).

PARLIAMENTARIAN STATUS REPORT, 104TH CONGRESS, 1ST SESSION, HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1995 AS OF CLOSE OF BUSINESS FEBRUARY 21, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues	.....	.....	978,466
Permanents and other spending legislation	750,343	706,271	.....
Appropriation legislation	738,096	757,783	.....
Offsetting receipts	(250,027)	(250,027)	.....
Total previously enacted	1,238,412	1,214,027	978,466
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	(1,923)	3,154	.....
Total current level [1]	1,236,489	1,217,181	978,466
Total budget resolution	1,238,705	1,217,605	977,700
Amount remaining:			
Under budget resolution	2,216	424	.....
Over budget resolution	.....	.....	766

[1] In accordance with the Budget Enforcement Act, the total does not include $1,394 million in budget authority and $6,466 in outlays for funding of emergencies that have been designated as such by the President and the Congress, and $877 million in budget authority and $935 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.

Notes: Numbers in parentheses are negative. Detail may not add due to rounding.

AFFIRMATIVE ACTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Mississippi [Mr. THOMPSON] is recognized for 60 minutes as the designee of the minority leader.

Mr. THOMPSON. Tonight, Mr. Speaker, several of my colleagues and I will talk on affirmative action.

Last week, as you know, we started talking about it, Congressman CLYBURN and some others, and we will be moving forward as the night goes on.

What I would like to do, though, is start until my colleagues come to say that as most of us know, this is a real difficult issue that is grasping the whole country. We would like to make sure that as the dialog continues that everyone would look upon affirmative action as something that clearly is the litmus test for us all.

Congressman CLYBURN, who is coming in as I talk, will lead the discussion on the historical approach to affirmative action along with some other Members.

Mr. Speaker, it is important for us to realize that affirmative action is a key discussion going on. In all States, there are discussions taking place saying whether or not this country is colorblind or whether or not we should move forward with affirmative action at all. Clearly it is a divisive issue. It is an issue that all of us are concerned about.

The Congressional Black Caucus, the National Association for the Advancement of Colored People, all organizations of good will, have started looking at this issue and are very concerned about it. Clearly what we would like to do tonight, and my colleague the gentleman from South Carolina [Mr. CLYBURN] is here, is begin the discussion on historical perspective around affirmative action in this country and from that we will move forward.

Mr. Speaker, I yield to my colleague, the gentleman from South Carolina [Mr. CLYBURN], after which time I will retain the hour.

Mr. CLYBURN. I thank my good friend, the gentleman from Mississippi [Mr. THOMPSON], for getting us started on this discussion this evening.

Mr. Speaker, all weekend I listened to the various talk shows, I listened to all of the Sunday morning newscasts, and in every instance we heard people discussing this issue of affirmative action, whether or not we have reached a point in our existence when affirmative action is no longer needed.

□ 2130

Let me begin, Mr. Speaker, by looking at affirmative action, where it got started and what it is all about, and why it was ever necessary in the first place.

Affirmative action, to begin with, is grounded in an executive order, Executive Order 11246, which was signed by President John F. Kennedy, signed by President Lyndon Johnson, and all Presidents since.

Now, the whole purpose of this executive order was to move beyond the passive notion that we should not discriminate on the basis of one's color and, of course, it is interesting that in a subsequent executive order, the issue of sex was added as well. Now, what the attempts were, they were simply methods to say we cannot just say that we would no longer discriminate. We have to mix some affirmative efforts to go out and let people know that there will no longer be discrimination, that they are welcome to come in and apply for jobs, they are welcome to come in and apply for Federal contracts, and that they will be treated fairly and given an opportunity to participate in the mainstream of the economic activity of our society.

And so throughout the years there has been discussion as to whether or not affirmative action really works. In the early 1980's this discussion became pretty loud and, of course, the then Reagan administration undertook to look at affirmative action and to see whether or not it worked and then to find out whether or not it unnecessarily trammeled upon the rights of other citizens, and so the administration brought in a Dr. Jonathan Leonard, a professor from California, who looked at the affirmative action programs and made a report that these programs did, in fact, work.

But, secondarily, he found that there was no proof, no facts to sustain the allegations that these programs unnecessarily trammeled on the rights of white men as well as other citizens. It seemed as if this was not good enough, and so this administration undertook a second study. This time it was done by OFCCP, the Office of Federal Contracts and Compliance, and in this instance, the results were the same, that the programs worked, that they did, in fact, bring people into the mainstream of economic opportunity, people who had not been allowed to participate before, and again, secondarily, that these programs did not, in fact, unfairly trammel upon the rights of white men.

And so then we continued with this executive order all the way down until the present day. Now, along the way, there have been those who have participated in this program of affirmative action, many of them very serious, others a little bit disingenuous.

We have had people who have put programs together knowing full well that they were not legitimate programs, in an attempt to undercut, to discredit, to in some way bring embarrassment and shame upon a noble effort to bring people into the mainstream of the economic activity of our society. And then there have been others who, out of a notion to do right, have been very, very anxious and, in some instances, overly so, and they, too, have brought programs into being which did not pass judicial muster.

Let me give you an example. In my other life, I ran a State agency in South Carolina, the South Carolina Human Affairs Commission, and part of my responsibility at that agency was to do the affirmative action coordination and planning for the State of South Carolina. And I remember one instance when a school district from the upper part of the State began to have a little trouble. These things usually come about because of one hiring decision that was made and did not go the way somebody wanted it to go, and in this particular instance, they had begun to have problems in their communities, and then they asked me to come up and to help them with it and

to do an affirmative action plan for them.

Now, Mr. Speaker, when I went up, we did our analysis, and what you have to do in all of these instances is not just go on what somebody feels, but you go out and you analyze the work force, you look and see how many people are out there in the work force, not how many people are in the population, but how many people are in the work force who have the requisite skills for the kind of work that is needed, and in this particular instance, we went out and we analyzed the community's work force, and we looked at the work force at the school district. We came to the conclusion that there was no underutilization of blacks in that district at all, and so when we finished doing the affirmative action plan, we said to the school district, ''Now, look, here is our analysis. Here is your affirmative action plan. But we would recommend that you do not use it, because there is no need for it, because when we did our analysis, we went through what we call our eight-factor analysis. We found that there was no underutilization of blacks in this work force.''

They were shocked. The community was shocked. But when we explained to them what a real affirmative action plan is, they all accepted and even today, that school district is now doing well, and I am pleased to say is a school district that had about, I think, around 23 percent of the population is African American, yet the school district followed, by about a year after we left there, they hired a black superintendent to run the district. But they never had to use an affirmative action plan, because once we analyzed their work force and compared it with the availability of blacks in the labor force, then we found out that affirmative action was not needed.

And so my point here is simply this: All of these people who are talking about affirmative action, I would wish that they would get beyond the emotional diatribes and begin to look at what this program really is and look at exactly how it came into being and how it ought to be operated. And I do believe that all fair minded, maybe not everybody, but all fair-minded people, when they take a look at these programs and see exactly what they mean and exactly how they are carried out, we would not be talking about whether or not we should do away with affirmative action.

We will be talking about how we can take this principle and apply it to all aspects of our society and begin to bring people into the mainstream.

Now, Mr. Speaker, I have been joined now by the gentleman from Alabama [Mr. HILLIARD], and I see my good friend, the gentleman from Mississippi [Mr. THOMPSON], now has all of his statistics with him, so I am now going to yield back to the gentleman from Mississippi [Mr. THOMPSON], so that we can take us further on this discussion, and I will come back at a later time.

Mr. THOMPSON. I thank the gentleman, What I would like to do is yield to my colleague, the gentleman from Alabama [Mr. HILLIARD], who will further enlighten us on the discussion of affirmative action.

Mr. HILLIARD. I thank the gentleman from Mississippi very much.

There is a subject matter that I would like to discuss for just about 4 or 5 minutes that is an offshoot of affirmative action.

You know, oftentimes people think that affirmative action is quotas. I just want everyone to know that affirmative action absolutely has nothing to do with quotas, and I also want my colleagues to know that in America there is not a national law that mandates quotas, and I say this, because I recall when Lani Guinier was being recommended for the job in the Justice Department that Deval Patrick now has, and one of the things they said, they did not like her because of her views on quotas and they thought she would push the law mandating quotas.

Well, my answer to that is there is no law. There is not a national law mandating quotas. Affirmative action has absolutely nothing to do with quotas. That is just a political ploy used by the other side. It sounds good when you can say that we want to get away from mandating anything or giving preference to any person or any group of persons.

And I would think everybody wants a plan, but what affirmative action is, is just a remedy for past discrimination, a remedy to make up for the shortcoming of our law and our society, and in most instances it speaks only in terms of goals, of objectives, and never in the language of mandates, of quotas.

You look, oftentimes in Congress we try to make laws that are national in scope and that will take care of every situation surrounding that subject matter. Many times we fail. We fail because in this country there is a diversity in terms in people, races, religions, and then you have other types of diversity, geographical balances, but the most important thing is that we are all Americans, and we always try to make laws that will protect the interests of all Americans.

So we have three branches of government, the court system, our judiciary system, which is just one branch of governance, and interpreting the laws that Congress has passed that we thought would satisfy a problem. Many times the court adds in its interpretation certain things that were not intended by Congress, and in that context, I wish to talk about quotas.

The only laws in this country that really mandate quotas are laws passed not by Congress, not by Executive orders, but the interpretation of laws by our court system, and it is narrowly used. Quotas are narrowly used. But it is only used when the court has found that there has been a reckless disregard for the rights of some class of individuals, and it was to make sure that the practice is not continuous, so it sets forth that until 25 percent of the work force in a particular area is of a certain gender or a certain race, then no one else from any other race or any other gender could be hired.

But that is the court setting forth quotas or mandating a percentage, and the court only does that when the situation is aggrieved, when the situation is harsh, and when the State or the agency has not made any effort to correct the situation.

☐ 2145

Mr. THOMPSON. Mr. Speaker, is the gentleman saying that all this discussion that we are hearing about quotas as it relates to affirmative action, that there are no laws that the gentleman can identify at this point that talk about quotas, that that for the most part has always been a remedy addressed by the courts?

Mr. HILLIARD. Absolutely I am saying that. That is absolutely the case.

Mr. THOMPSON. I guess that is part of the reason we are trying to have this dialog tonight, is try to get the discussion back on focus so that the general public can understand what we are talking about.

Some of the statistics I want to share with both my colleagues on this subject that might shed a little more light to it, talk about if African-Americans had parity with whites in America, what would those numbers look like? Well, if we had parity as African Americans in this country with whites, the average black family income would be $19,568 higher per year. If we had parity among black males, the income would be $8,500 per year. The female parity number is 2,000. But the net worth is almost $40,000, so that means that in America right now that net worth of a white household is $40,000 higher than the average black household.

So, Mr. Speaker, I say to my colleagues, ''When you talk about parity, you have to talk about things being equal, and, as you've talked, Mr. HILLARD and my colleagues, Congressman CLYBURN, also, that when we talk about affirmative action, we're talking about describing for the sake of remedy a solution to past wrongs, and none of us disagree with the fact that, as we look across this country there are some things that we're not proud.''

But I am happy to be part of the solution by trying to factor in certain solutions that would make things equal. So, as we talk about parity in this affirmative action, I hope our colleagues who differ with us do not differ with the numbers because the numbers speak for themselves.

Mr. HILLIARD. Mr. Speaker, if the gentleman will yield, let me expand on a point he made just a minute ago indirectly.

As my colleagues know, there is no perfect country on this earth. but America is beautiful. I love it. But America has problems, and, until we are willing to even admit that America

has problems, it is going to be difficult to solve them, and I think that when those courts make decisions mandating certain goals to be reached in certain categories, or mandating quotas, it is only trying to remedy a problem that has existed. It is only trying to correct that Problem.

And I think that the court is trying to improve American society, trying to diversify its educational institutions, trying to diversify and integrate its work force, and it is trying to correct 200 years of wrongdoing.

Mr. CLYBURN. Mr. Speaker, if the gentleman would yield, before we leave the area of quotas let me point out something here.

I have in my hand here a review; sort of an overview, I guess, is more of what it is; that was requested by one of the members of the other body who is now running for President. He asked the Congressional Research Service to give him an overview of all of the affirmative action programs in the Federal Government, and this document contains around 160 instances where references to affirmative action are made in one form or another, and the interesting thing is there is nothing in any of it that talks about quotas.

In fact, Mr. Speaker, I think it was the Washington Post that wrote a story after this was published, and they had in their headlines: No, affirmative action does not require quotas. So I would hope that those people who continue to harp on that, because they know it is an inflammatory term, would stop being so dishonest with the American people and actually say what the facts are.

Now, Mr. Speaker, the interesting thing about this is one little line in here that I want to just read because I think it tells it all. In this report it says no quotas, but goals and timetables. However it says the goals may be waived where not practicable due to unavailability of people in the work force. So even when you set out the goal, even when you set the goal out, if you find that in trying to reach this goal that there is not the kind of availability in the work force that you had anticipated, that goal is then set aside.

So Mr. Speaker, I think that that says it all, and so I think the gentleman is absolutely correct, and I am glad that he took us down that discourse so we could clear up this issue of quotas because I think it ought to be said over and over again because I think that there are those who are trying to inflame the American public on this subject by using that term.

Mr. HILLIARD. Mr. Speaker, if the gentleman would yield, you know one of the things that people get mixed up with in this country, and sometimes I find myself guilty of it, is the fact that I listen to political rhetoric, and sometimes I think of it as being fact because I think that the person that is making the statement, I think that his credibility is fine and that the statement he is making is all truthful. But then when I do my research or when I really start looking at something in depth, I realize that he is just pushing his individual agenda, or his party agenda, or some other agenda that is foreign and alien to the American agenda, and I say that because for the last 4 or 5 years I have been hearing the word ''quotas'' and we do not want any quotas, and we do not want any preference, and they talk about affirmative actions, affirmative action as if it mandates quotas or it mandates preference when in fact it does not.

And my colleagues know the language of affirmative action is very soft. It is not harsh. The harsh words are ''quotas'' and ''mandates.'' But the language of affirmative action is: encourage, seek, incentives, positive effort, and to the extent practicable. That is the language, and, when you have language like that, it does not kill quotas, it does not set quotas, and it does not give preference, and that is very important to this discussion because there have been those who have politicized something that is very much American, very much American.

Mr. CLYBURN. If the gentleman would yield, let us look at another issue here, the issue of productivity.

As my colleagues know, one of the things that we hear about affirmative action is that it requires that you hire unqualified people.

Mr. HILLIARD. I have heard that.

Mr. CLYBURN. We have heard that so often.

First of all, there is absolutely nothing about affirmative action that requires hiring unqualified people. I say to my colleagues, in fact, if you're to do that, and with all these 25 years of affirmative action if you were hiring unqualified people, it would seem to me that the productivity of the country would have gone down, but that has not happened at all. In fact all the studies we've seen indicate that productivity is on the increase, that our workers are in fact the most productive, and we've had even studies that zero in on people who have been hired as a result of affirmative action, especially as relates to women, and what we found is that production on the part of women increased as a result.

Mr. Speaker, that is the same thing we find all the time when people are made to feel as if they are worth something, that they can, in fact, get promoted without regard to race and sex, that they do, in fact, produce more and produce better.

Now let me say one other thing about this issue of qualifications:

> If you establish a criteria for a job, if you said, ''In order to get this job you have to take a test, you have to score at least 80 on the test,'' and now if you score 80 on the test, it means that you're qualified.

Mr. HILLIARD. Absolutely.

Mr. CLYBURN. And nobody has ever asked anybody to hire the person who made 78 or 79. We just said, when the person makes 80, don't ignore the person. Don't pass over the person. Don't throw that person's test scores in the garbage can waiting for somebody white to come along.

Now people are saying, as my colleagues know, it is not just qualified; it has got to be most qualified. So that is saying, if you make 80 on the test, and that's what's required, and someone else comes along and makes 82 on the test, then you're duty bound to hire the person that makes 82. That is where the rub comes because that is not what qualifies a person for the job.

Mr. HILLIARD. Mr. Speaker, if the gentleman would yield, you know one of the problems we have had in history is the fact that someone makes 80, and the job is available, someone makes 78 or 79, and they reach down and give it to the person that makes 78, and this is the problem we are trying to correct. But even if a person made 80, sometimes they would hold that job open, re-give another test, and then take someone who might make higher. That in itself is discrimination. That in itself is what we are trying to get away from. That is what we are trying to remedy, that is what we are trying to correct, and that is what the court has said. That is what the court is trying to correct, and the laws that we have set out already just say, ''Give that person a chance.''

Mr. THOMPSON. I think one of the notions also is the fact that affirmative action in the minds of some people has failed, and I think it is clear that of the statistics that we have been able to find in this country, the good that has come about has been because of affirmative action programs, and I shudder to think what and where we would be as a Nation if, in fact, many of the laws that we are presently operating under would not be in place.

For instance, if we had parity in this country as African-Americans with whites, according to the census there would be 9,559 fewer unemployed black adults because parity would mean that more African-Americans would be employed. But more so than that, there would be 6.9 million fewer black persons in poverty, and one of the things I am trying to relate to it, there is a correlation between discrimination and poverty as we talk about affirmative action.

Because if the job market, if the contract market, if the educational market is not available to certain individuals, then the likelihood that they will live in poverty is greatly increased. So what we are trying to do is provide a vehicle for individuals to move upward in this country. We would not like to see race, section, or age as an impediment to moving forward. And the framers of many of these affirmative action goals have outlined that these are ways you move up.

□ 2200

As we look at some of the other statistics, let us talk about Federal contract procurement. Of the $182 billion

that we identified in the study, we had less than 7 percent going to minorities.

Well, that is not where it should be. It has been only because we have had some affirmative action laws on the book that we have that much.

The same goes for higher education. If we look at almost $20 billion in grants going from the Federal Government to universities, we find less than 4 percent going to historically black colleges and universities.

Well, the numbers go on and on. Until we are able to find a replacement for affirmative action, because clearly most of us will agree that affirmative action, if we did not have it, minorities would be further back than they are now.

So I subscribe to the notion that we have to not throw the baby out with the bath water. What we have to do is strengthen the existing law, so that all minorities can in fact one day have that parity that I am talking about that is not here. The numbers bear that out.

So without this parity, we have to have laws on the books to encourage opportunities for minorities. So I am convinced that we have to have it.

Mr. CLYBURN. If the gentleman will yield, on that same question, I have not seen the study, but we were informed today that Richmond, VA, you recall Richmond was the place of the Crowson versus Richmond decision, the decision that threw out a procurement program there that was called affirmative action, though there were many of us in the field that did not want to see that case go forward because we felt it was not a good enough case for us to test the issue.

But I understand that today, the recent reviews indicate that the contracts that minorities are now getting from the city of Richmond have dropped to somewhere around 1 percent.

Mr. THOMPSON. Less than 1 percent.

Mr. CLYBURN. That is kind of interesting. For all those people that said we do not need affirmative action, when we had affirmative action programs, there was a question as to whether or not they were getting enough. Well, they were getting some. Now it looks as if after the Crowson decision that outlawed the plan, they have dropped down to less than 1 percent.

Now, I predict that that is the future for all minorities and women trying to do business in our society if we in fact get rid of these programs as many of our friends want us to do.

Now, the kind of interesting thing to me is why is it that the group of people who constitute 65 percent of the people eligible to do the work want to have 100 percent of all the work? That sounds to me like an illegal quota. 100 percent.

Mr. HILLIARD. If the gentleman will yield, one of the things that amazes me is the fact you stated here is a group that is 65 percent of the population of this country, and they are crying because 15 percent is given to minorities or given to some other group.

Mr. CLYBURN. That is right.

Mr. HILLIARD. It has to be greed. It has to be greed. But without getting into that discussion, let us look at the leadership in this country.

Now, we have struggled with the problems of segregation and the problems of discrimination for several centuries, and the last four or five decades we have sought remedies that we thought would correct the problems, rectify the situation, and set America on a course so that we would never be plagued with those problems again.

As a result of that, we have corporate America that has come on board. They have set up affirmative action programs that are basically incentive-based programs, no quotas, no mandates. We have State agencies. We have the Federal Government agencies that have set up incentives instead of goals and certain things they wished to achieve.

All of this is in place now and it is working, because for the first time we see a diversity in our work force that we have not seen before, Chicano-Americans, Americans, Spanish-Americans, women, minorities of all kinds. It reflect the beautiful diversity of this country.

But all of a sudden here comes a group, 65 percent of the population, that want 100 percent of the jobs, 100 percent of the business, 100 percent of all the work, and we have a group that comes and says let's give it to them. Let's destroy all of the affirmative action programs. Let's kick out the things that Truman, Nixon, Ford, Carter, Bush, and Clinton have thought were good for this country. Each one of them thought that affirmative action was so good that they passed executive orders that said during my administration, this is what we will seek to put in place or to maintain.

Mr. THOMPSON. I think that is the question of leadership, and the question of leadership in the affirmative action debate is whether or not the leaders of this country are strong enough to recognize that we do have individuals and groups in this country that have not established a parity with the rest of the country. And we have to create opportunities for those individuals to move up. But the leadership is very important in this issue. It is easy to talk about we live in America, I want America to be color-blind. But the test of leadership is whether or not we can put together legislation that would allow opportunities for all Americans to rise to the top.

If corporate America recognizes that diversity is important in doing business, then why can we not in government assume our rightful place in creating those opportunities too?

I venture to say that, as we all know, minorities are great consumers of service. And if corporate America understands that minorities spend money and they approach that, why can't we in government reciprocate by allowing minorities to participate in all levels of Government? And when that participation is not there, we should crate the vehicle to allow that participation to occur.

Mr. HILLIARD. One of the things we have to understand is that in order for each one of us to get to Congress, we have to win a race. In order for the President to be President, he has to win. Unfortunately, sometimes we put our personal agenda before we put the national agenda, and what happens is we do things that we really should not do. We politicize certain situations to invoke certain types of emotions so that we can channel peoples' behavior to the extent they would vote for us.

Just like the Tanya Harding situation. You know, you want to create a hysterical situation that everybody could immediately see and say ''I am not going to go that way.'' Then you take it and identify it with a certain candidate, with a certain party, and you achieve your purpose. I will not do America like that. And we should not be politicizing affirmative action.

Mr. CLYBURN. I think we ought to really look at that question. I want to just take a minute and say thanks to a great leader in this country, Art Fletcher, who as Assistant Secretary of Labor, I believe it was, under Richard Nixon, kind of pulled all of these affirmative action programs together. What we do today in the name of affirmative action was given to us by the Nixon administration. Art Fletcher was out on the front of this. My point being you cannot be more Republican than he was.

So this was not a partisan issue. Affirmative action has always been a bipartisan issue, and I think we ought to keep this there. And those people trying to use this now as a so-called wedge issue, thinking that it will pay off for them at the polls at the next general election, I think that that is the worst possible thing that you can do to any country or any people in the country, because I can tell you this: We are bound to repeat some very bad sections of our history if we are not careful with those kinds of issues.

We are coming upon the close of a century, and I know my history a little bit, and I know what happened to this country at the close of the last century when we saw court decisions. We went all the way from Dred Scott of 1854 to Plessy versus Ferguson of 1898, and we finally got to 1954, and I thought we were doing fine with these issues.

But now, all of a sudden, we are trying to change the playing field. We are now trying to create a different atmosphere. We are now trying to use these wedge issues in order to inflame the electorate, hoping that they would not go out and vote for something, but go out and vote against something. That, to me, would be a horrible mistake for us to make.

□ 2210

Mr. HILLIARD. If the gentleman will yield, one of the things we do not want to do in America is turn the clock back. We are on the road to prosperity. We have come out of a recession. We are moving along. Unemployment is dropping. This country is undoubtedly the world's leader. We lead in almost every category. We are the world leader.

People still die trying to get to this country called America, because it is so beautiful, it is so good, but it is not perfect. However, we should be willing to improve upon what we have. Affirmative action is a step in the right direction in improving what we have.

We ought to strive towards improvement, because we want to be inclusive. We want our country never to backslide to where it has been. We want to move into the 21st century with a diversity and an inclusion that can never be matched again anywhere else on this Earth.

Mr. THOMPSON. If the gentleman will yield, I agree wholeheartedly, this is a great country. All of us opted not just to be citizens, but to participate in the process by getting elected to Congress. That in itself is a noble gesture, but I think the fact that we agreed to challenge the system inside the system, that is important, just like we are having this debate tonight on affirmative action.

Clearly we have to highlight affirmative action as we go along. I look forward to it.

We have now been joined by the gentleman from New Jersey, Mr. DONALD PAYNE, who as we know is the new chairman of the Congressional Black Caucus. The caucus has taken a leadership role in the affirmative action debate that will be going on over the next few weeks and months to come.

Mr. Speaker, for the sake of the RECORD, I would ask the gentleman from New Jersey [Mr. PAYNE], where is the caucus with respect to this notion of revisiting affirmative action?

Mr. PAYNE of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. THOMPSON. I yield to the gentleman from New Jersey.

Mr. PAYNE of New Jersey. I thank the gentleman for giving me an opportunity to address this very, very important issue, an issue that we in the Black Caucus feel is the No. 1 issue facing us at this present time, because it strikes at the very heart of what made this country great.

The Congressional Black Caucus has formed a task force, as we have done in the past, on issues that we feel are very important to the caucus and to African-Americans in this Nation, and the Nation as a whole. We have a task force which is chaired by the gentleman from Maryland, KWEISI MFUME, and co-chaired by the gentleman from South Carolina [Mr. CLYBURN] and the gentlewoman from California [Ms. WATERS].

The caucus will be coming up with a position. We will be looking at the issue of affirmative action, we will be talking about and studying and coming up with our position. We would hope that the President will stand firm, as he said he would, as he is reviewing this.

We were very pleased, I think, at the review that Senator DOLE called for that showed that affirmative action was basically a move toward a more perfect Union. As a matter of fact, in our Constitution we talk about we are moving toward and hoping to have a more perfect Union. Affirmative action is a program that attempts to move people toward a more perfect Union. Therefore, we will certainly be engaging the Nation in a debate.

Let me just say a few other things that I would like to say. We have seen in recent weeks a great deal that has been put in the news media about affirmative action. It has been a topic that appears that the Republicans will try to turn into an all-out assault on people of color and women and minorities in this Nation.

As chairman of the Congressional Black Caucus, I am outraged by the efforts of the Republican majority to try to repeal affirmative action programs and attempt to turn the clock back on progress that had been made throughout the years.

Mr. Speaker, let me share some basic facts very quickly about affirmative action. Affirmative action, as you know, is defined in broad terms as any measure adopted to correct or compensate for past or present discrimination, or to prevent discrimination from recurring in the future.

It does not mean quotas, which are rigid requirements mandating that employers hire fixed percentages of members of a specific group, regardless of the qualifications.

Affirmative action programs have incorporated goals and timetables, and have clear objectives. Goals and timetables are merely used to help employers establish targets and time frames for achieving the targets. Employers are encouraged to make good faith efforts, but there are no legal penalties if they do not make their goals, if in fact they are making a good faith effort.

There has been a lot of distortion about this whole question of affirmative action. The history of affirmative action has revealed strong bipartisan support, as the gentleman from South Carolina recently said. Current standards were initiated throughout the years, and in the 1960s several large corporations said we should move this along, and President Nixon endorsed it.

Since then, eight successive Presidents have supported affirmative action. Other groups, like the Business Round Table and the National Association for Manufacturers, have stated that affirmative action is good business. In fact, studies have confirmed these statements time and time again.

As I conclude, Mr. Speaker, let me say that most employers believe that their productivity has not suffered by affirmative action at all, but has been enhanced. A report from Fortune Magazine found that many business leaders believe affirmative action is necessary to allow them to compete domestically and internationally. They believe it produces a work force that reflects the diversity of markets they serve.

In an all perfect world it would be nice to say that we live in a color-blind society. However, discrimination today is alive and well and still exists. Therefore, as long as there is discrimination based on race and gender, we must develop remedies that will take these factors into account.

Our country has a long and sad history of discrimination. Now more than ever our society needs to tear down barriers to prosperity and achievement, and enable every American equal access to education, decent housing, health care, job training, so that everyone is able to participate in this society.

Let me just say, Mr. Speaker, really in conclusion that this is nothing new to countries around the world. They have affirmative action programs in Fiji. They have affirmative action programs in Malaysia. The ethnic Malays were not getting

opportunities, and they have a very specific, even much more rigid program than the affirmative action program we have here.

In Nigeria there was an attempt, because of the domination of one ethnic group over the total country, for affirmative action. In Northern Ireland, they are talking about the McBride principles as they are trying to integrate and make equal the arguments and the discrimination between the Protestants and the Catholics.

This is absolutely nothing new around the world. This is something that countries have struggled for to make their societies better, and once again, I commend the gentleman and gentlewomen who are here trying to educate this Nation about the positiveness of affirmative action.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman. We look forward to his leadership in the Congressional Black Caucus on this and other issues.

Clearly, as the gentleman has said, this is the issue at this point that all of America is talking and wondering about. We know the debate will be fast and furious as the days come, but clearly, the CBC, along with other organizations of good will, are committed to making sure that this country remains strong and committed to equal opportunity for all.

Therefore, we compliment you and your leadership in the CBC, and look forward to having that debate for the entire American public.

Mr. HILLIARD. If the gentleman will continue to yield, Mr. Speaker, in closing, I just want to say a couple of things. First of all, the ultimate goal of affirmative action is to achieve fair

representation for qualified recial minorities and women in all areas of American life.

I would say to you that this goal has not been realized. We have been trying for the last five decades to take care of this problem.

□ 2220

But we have in place a system, and to begin to tinker with and unravel equal opportunity and affirmative action programs at this juncture when so much progress has yet to be made is unthinkable. But it is absolutely unforgivable, because you turn the clock back and you create additional problems for America, in many instances, problems that have already been solved, or the solution is in the process.

Mr. CLYBURN. In closing, let me just say this, as I say so often. Affirmative action is in fact an experiment. we are experimenting with a method by which we can overcome the current effects of past discrimination. Our society, this democracy that we live in, is in fact an experiment. But as we look at all the groups of people that make up this great Nation of ours, we have to think about the different religions, different cultures. There is no religion that we call American, there is no culture that can be called American.

America is a mosaic of many things. Jews celebrate Yom Kippur, Christians celebrate Easter, Italians celebrate Columbus Day, black Americans celebrate Martin Luther King, Jr.'s birthday, Irish-Americans celebrate St. Patrick's Day, all of that, and we participate with each other, trying to make sure that people learn to respect these different cultures and these different religions.

If we can do that, then I think that what we need to do is learn to carry that same respect and participation into the workplace as well. If we can do that, I think that America is going to be a much better place for all of us.

Mr. THOMPSON. I thank the gentleman from South Carolina [Mr. CLYBURN].

Tonight we have tried to put in perspective some of the issues around the affirmative action debate. I would like to thank Congressman PAYNE, Congressman CLYBURN, and Congressman HILLIARD for joining me in this special order.

Mr. Speaker, if I am permitted, I yield the balance of my time to the gentleman from California [Mr. FARR] who has joined us at this time.

The SPEAKER pro tempore (Mr. KINGSTON). The gentleman from California is recognized for 3 minutes.

COMMEMORATING 50TH ANNIVERSARY OF CANNERY ROW AND JOHN STEINBECK'S 93D BIRTHDAY

Mr. FARR. Mr. Speaker, I thank my colleagues and the leaders of the Congressional Black Caucus for the last hour colloquy on the issue of affirmative action.

I want for a few minutes to recognize someone who brought to light the plight of the conditions of many of the people who represent and live in the district that I represent in the central coast of California. For today is a very special day in my central coast of California district.

Today would have been the 93d birthday of one of our Nation's greatest authors, John Steinbeck, John Steinbeck Nobel Laureate and native son of California, led a life as rich and provocative as the Salinas Valley he immortalized in his writings. His obsession with his hometown would develop into a lifelong theme, unfolding through the course of time like a Steinbeck novel. The year 1995 is also being celebrated as the 50th anniversary of the publication of ''Cannery Row,'' his novel about the thirties in Monterey, CA.

Fifty years ago John Steinbeck shook off the anguish and horrors of World War II which he had experienced as a war correspondent. He wrote ''Cannery Row,'' a lively story about the thirties, when life seemed to him to have more meaning. His novel about Doc, Mack, and the boys, Flora and her girls, and Lee Chong became an instant success with the war-weary American public. Today, schoolchildren throughout our Nation read Steinbeck's ''Cannery Row'' as part of their curriculum.

Steinbeck won the Pulitzer Prize fiction award for the ''Grapes of Wrath'' in 1940, which has now become an American classic. In 1962 he received the greatest honor of his distinguished writing career—the Nobel Prize for Literature ''for his realistic as well as imaginative writings, distinguished by a sympathetic humor and keen social perception.''

John Steinbeck's fiction has been recognized as being representative of the character of our people, especially their vitality and uniquely American qualities. People from around the world are attracted to our Monterey Bay shores because of his writing and come to the Monterey Peninsula and Salinas Valley to renew memories of his novels. Especially to visit the localities of his stories which are so vividly portrayed in ''Cannery Row,'' ''The Pastures of Heaven,'' ''Of Mice and Men,'' ''East of Eden,'' ''The Red Pony,'' and ''Travels with Charley.''

Steinbeck achieved worldwide recognition for his keen observations and powerful writings of the human condition, bringing the plight of the disadvantaged and outcast to the forefront of social consciousness.

Our Nation has bestowed high honors on him, including the Medal of Freedom from President Lyndon Johnson and the American Gold Medallion issued by the U.S. Mint.

I invite you to join me in honoring John Steinbeck, on the 50th anniversary of the publishing of ''Cannery Row'' and in memory of his 93d birthday. His is truly a national treasure.

REFLECTIONS ON BLACK HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to discuss with my colleagues a wonderful journey I took during the month of February. The voyage I speak of was one of education and learning throughout our Black History Month which concludes tomorrow.

I had an opportunity, Mr. Speaker, to see how the people of my home district in Montgomery County, PA celebrated the heritage of a people who have contributed much to our society.

Many of you may realize it, but Montgomery County, PA was the end of the line for many slaves as they escaped to freedom along the underground railroad with the help of Lucretia Mott for whom the wonderful community of LaMott is now named in Cheltenham Township.

Communities in my district, Mr. Speaker, such as the beautiful town of Penllyn arose because of those men and women who fought so hard for their freedom. Even today it is clear that the freedoms we all enjoy here in the United States have a special home in places like Bethlehem Baptist Church which rose like a monument to freedom for those families under the leadership of Rev. Charles Quann.

What was perhaps most gratifying was to see the pride in the faces of the youth of these communities as they learned about the freedom fighters who risked everything so their children could breathe the sweet air of freedom, justice and equality.

These great men and women knew that, as Thomas Paine said in ''The American Crisis,'' that ''those who expect to reap the blessings of freedom must undergo the fatigues of supporting it.''

Great black leaders and all those who fought for equality have never failed to undergo the fatigues of supporting freedom.

The words and ideals of individuals like the great emancipator Abraham Lincoln and the eloquent drum major for peace, Dr. Martin Luther King, Jr., rang throughout Montgomery County throughout February just as they rang out across the Nation when they were alive.

The spirit of Harriet Tubman was palpable as our children recalled how she inspired a Nation to continue the backbreaking battle for freedom.

Is the battle over? I would have to say no. But for those who have grown weary fighting against individuals and groups who would repress a people, any people, the events of this month must have had a rejuvenating effect on their souls.

Another freedom fighter, Franklin Delano Roosevelt, once said,

> We look forward to a world founded on the basis of four essential human freedoms. The

first is freedom of speech and expression, everywhere in the world. The second is freedom of every person to worship God in his own way, everywhere in the world. The third is freedom from want, everywhere in the world. The fourth is freedom from fear, anywhere in the world.

My friends and colleagues, we still have a distance to travel on this journey of equality and justice for all.

I heard a young man in church recently say to the congregation in the words of Frederick Douglass who said, When we are noted for enterprise, industry and success, we shall no longer have any hurdles in our quest to achieve civil rights for all.

Mr. Speaker, I know that the people of this Nation will continue to recognize the works of King, Tubman, Douglass and Lincoln who have done so much to help others. Not it is time that we as a Nation do all we can to ensure that their records are emulated and their contribution will never be forgotten.

□ 2230

THE DEFENSE OF OUR COUNTRY

The SPEAKER pro tempore (Mr. KINGSTON). Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania [Mr. WELDON] is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will hopefully not take the entire hour this evening.

My topic this evening is the defense of our country, and as a 9-year member of the National Security Committee, formerly the Armed Services Committee, and current chairman of the Research and Technology Subcommittee, I would like to focus on three specific items relative to our national defense. The first will be our budget and the current conflict in Washington over how much money we should spend on our military over the next 5 years, and especially this next fiscal year. The second will be missile defense, where we are going in terms of protecting this country, and our troops from a missile attack. The third will be a problem I see emerging in terms of arms sales that the Clinton administration has not yet addressed.

Before I get into the budget numbers, in terms of defense spending, Mr. Speaker, I quote an article today that appeared in two newspapers that I have to share with you and all of our colleagues that outraged me when I read it. It was printed; originally the story ran in the Baltimore Sun, and then was reprinted by the Tampa Tribune in an editorial.

It has to do with the abuse of our current social welfare system. The reason I bring it up during this 1-hour special order on defense is that over the past 10 or 15 years we have heard Member after Member talk about, even the President talk about, expensive toilet seats and hammers that were especially designed materials for use by the military, and much of that criticism, I might add, was warranted, especially where we did not have good control of our procurement process.

And that is why we have worked on acquisition reform in past sessions, and it is again a priority for this session. But we have seemed to never want to talk about the abuse that occurs in the social welfare state and the spending that has occurred totally out of control over the past 30 years. I pointed out during the debate on the National Security Revitalization Act several weeks ago, over the past 30 years, we have had two wars in America. The first war was the war on poverty declared by Lyndon Johnson which we lost. We spent the taxpayers' money to the extent of $6 trillion over the past 30 years on social welfare programs, yet we have more impoverished people today than at any time in recent history.

During that same time period the cold war ended. We won that war, and we won that war because of our focus on a strong national defense. The purpose of a strong defense is not to fight wars but, rather, to deter aggression.

During this same time period, we were spending $6 trillion public dollars on social welfare programs, we spent approximately $5 trillion on national security and national defense, and I think the best evidence of how successful those dollars were in terms of being spent is that we saw communism fall, the Berlin Wall came down, and democracy break out around the world. Even former Soviet leader Gorbachev stated he just could not keep up with America's defense posture which was the reason why they chose to work toward a democratic state and to begin to dismantle the Russian arsenal which is being done. Some would argue to what extent it is being done. At least, it is being done.

I want to highlight this story, because we need to understand, America, what happens with the tax dollars that we spend, and this is probably as good of an example as you could have. It results from an interview that the Baltimore Sun had with an unemployed family in Lake Providence, LA. This family of nine people qualifies and receives $46,716 a year in tax-free cash from the Federal Government.

Now, I am not an accountant or a CPA, but I know to get $46,716 of tax-free cash, you would have to make a lot more money if you were paying ordinary tax rates.

I am reluctant to mention the name of this family, but it has been reported in both the Baltimore Sun and the Tampa Tribune, and the lady who was interviewed evidently had no problem with her name being used, as you will see from some of the quotes. The name is Rosie Watson. Rosie Watson gets $343.50 a month in disability payments because a judge ruled the she is too stressed out to work. Now, that, in fact, may be legitimate. I am not arguing that point. Her common law husband receives $343.50 a month also from the Federal Government because he is too fat to work. He weights 386 pounds.

Now, in addition, their seven children, ages 13 to 22, all receive Federal support in the amount of $458 a month because supposedly they have demonstrated age-appropriate inappropriate behavior so they qualify for this special compensation. Multiplying all of those dollars out, you come to the figure of $46,716 a year from the Federal Government without having to pay any tax.

In addition, they also receive full medical care and benefits through Medicaid which is not included in that sum of money.

When questioned by the Baltimore Sun about this, she said, and I quote, ''I got nothing to hide.''

In 1978 she told officials that her second child, at age 4, was a threat to other children and, therefore, she should get compensation for that child. She kept reapplying until, in 1984, the officials agreed that he did have a behavior problem, and the award was granted. But a few years later because of that ruling, she was given a $10,000 lump sum check to make up for back compensation that she had not been provided for that child. In all, the family has received $37,000 in retroactive payments. That is above and beyond the $46,716 each year.

Now, Mr. Speaker, for all of our senior citizens out there, they have to remember this is coming out of the Social Security system, yes, even the money for the children is coming out of the Social Security system. After 15 years of relentless applications, Rosie Watson has had all of her children put on these disability payments.

Now, here is a rub: You know, you could see that these payments are supposed to do or are designed to help individuals deal with their disabilities and attempt to get back into the mainstream of society. But the Baltimore Sun went on to ask her what she uses the money for, and she explained how she divvies ti up each month, and then she said, and I quote, ''One need that she has each month is $120 in allowances for George, who is 14, David 17, Willie, 18, and Denny, 19. 'Being the age they is and being out there with their little girl friends, they need the money,' she says.''

Now, Mr. Speaker, what we are hearing is not only are we paying this family $47,000 a year of tax-free Federal money, but that four of the children are getting a monthly allotment of $120, $30 each, to be used partly to take care of their girl friends.

Mr. Speaker, I think this is an example of what the American people feel is wrong with the social welfare state in this country. Now, we can talk about all the hammers and toilet seats we want, and I can tell you that no department of the Federal Government has more oversight than DoD has right now, but this year and this session it is time to focus on reconfiguring the way

we spend money on social welfare programs, and I am glad that is one of our major items under consideration for reform.

Part of the problem in an era where we have declining dollars available for Federal priorities, one of the areas that has got hit the hardest during the past 5 years has been defense spending, and yet, in fact, in this fiscal year no one can tell us what the right amount is to spend on our national security.

We had the President tell us when he was a candidate for office that he would cut $60 billion off of defense spending over 5 years from what President Bush had projected. Then when he became the President, he said, ''No, I was wrong. I am going to increase that cut to $128 billion,'' which he is currently in the process of implementing. Many of us on both sides of the aisle last year and 2 years ago told the President that he was making a grave mistake, that cutting defense spending by $128 billion over 5 years after four successive years of declining defense budgets would just not be able to be lived up to by the military, and that it was imprudent for him to include that kind of cut in his 5-year budget. But he went ahead and did it.

Now, here this year we have the General Accounting Office coming before Congress and testifying that the President's defense needs, as outlined by the bottom-up review, outlined by Les Aspin when he was Secretary of Defense, are in fact $150 billion short. So the General Accounting Office is saying we are short $150 billion over 5 years.

Now, the Congressional Budget Office, which reports to the Congress, last year came up with a figure that we are now using this year showing that the budget over 5 years is between $60 billion and $100 billion short.

One of the most respected Democrats in terms of defense posture in this Congress, the gentleman from Missouri [Mr. SKELTON] has come out with his own budget saying in just this fiscal year alone, our defense needs are $44 billion short, and, therefore, he wants his colleagues, and all of us on both sides of the aisle, to support the restoration of $44 billion in defense outlays, I should say, over the next 5 years, so we have three different numbers from three different individuals and groups.

What we would like to think is that we base our defense needs on the realities that are out there, and as we see the potential for conflict, the military leadership would come back to us and tell us what it is in the way of manpower and equipment that they need to deal with those potential conflicts. Unfortunately, for the past 2 years, the budget number that we have been given by the administration, as SAM NUNN has said publicly, was simply pulled out of the air. It was not based on real needs and not based on a real net threat assessment.

This year we are trying to deal with it and solve the dilemma of what is the correct amount of funding in terms of our military for this next fiscal year and for the remaining 4 years of the 5-year budget cycle.

Now, President Clinton stood in this very Chamber in January when he gave the State of the Union Message, and he pounded his fist on the podium directly behind me, and he told the American people as well as all of us that he would not accept any more defense cuts, and those were his exact words. Usually the American people want to believe the President, because what he says we would think in fact is what he was going to do. In fact, when he pounded the desk, we figured he really meant this. He also said he was going to add back in $25 billion over 5 years, in effect, because there was a need for additional funds.

But we need to look at two things, Mr. Speaker. First of all, this year's defense budget is, in fact, lower than last year's, and the President's cuts are still under way, so his notion about not having any further cuts is really not borne out by the budget he submitted to us.

□ 2240

But more importantly, the administration is really playing a charade with the American people. He said at this podium that he was going to add back $25 billion of new money. What he did not tell the American people was that $23 of that $25 billion would not come into play until after the next presidential election. Now that is pretty convenient. In other words, ''Trust me. When I run for relection, and if I am elected, then I will put back the other $23 billion of the $25 billion I promised.'' None of it is going back in this year. It is coming after, in fact, the President has to run for relection, assuming he would be reelected.

In fact, over the past 5 years the defense spending for this country has gone down by 25 percent. The single largest decrease in any part of the Federal budget has, in fact, been in support of our military, and I am not saying that some of those cuts were not necessary. In fact many of them I supported. But while we have cut defense spending by 25 percent, what outrages me is the fact that during that same 5-year time period we have increased nondefense spending in the defense budget by 361 percent. What that means is that while we have cut defense spending dramatically, Members of Congress have stuck in items in the defense bill that they could not get funded through normal appropriation channels, and that amount has increased 361 percent and includes such items as, in this year's defense bill, $13 billion for environmental restoration and cleanup, $3 billion, some of it for questionable dual use conversion projects, $4.7 billion for add-ons never requested by the military, never gone through the authorization process, stuck on by Members of Congress.

So what is really concerning to me is that, while we have cut defense spending by 25 percent, Members of Congress keep adding on more and more programs that in some cases have nothing to do with the military.

Now I happen to be a strong supporter of cancer research. I think it is important that we work to find a cure, but I cannot for the life of me understand why all the cancer research is funded out of the defense bill, and many of those same liberals who question the level of defense spending are the ones who put cancer research in the defense bill. Now that does not make sense. Likewise I think a solution for the problem of AIDS is important, but I cannot understand why tens of millions of dollars for AIDS research are in the defense bill. Four point seven billion dollars of this year's defense bill has nothing to do with defense in terms of requirements by the Pentagon, but rather are priorities identified by individual Members and stuck in defense spending provisions.

Mr. Speaker, this has got to stop. If we are going to be fair with our military, then we need to have a clean budget process. What we need for the military should be that. If we think there are other priorities that should be addressed, they should be paid for through other bills that are worked through the appropriation process.

We also need to make sure that, when this President wants to send our troops overseas, as he has done frequently, that he is willing to stand up and ask us to pay for it. Many of us; in fact, most of us in this body; wanted to have a vote on whether or not our troops should be sent into Haiti. In fact many of us signed resolutions. We wanted to have a clear, up-front debate before the President committed our troops because we were debating this issue for months. We knew he was planning on sending our troops into Haiti. The President did not want us to have that opportunity. In fact, as we know, it was a Sunday evening while we were out of session over a recess that he decided he was going to send our planes down to Haiti, and this was only averted, a military insertion was only averted, by the actions of SAM NUNN, Colin Powell, and Jimmy Carter. But in fact the troops did go into Haiti, although it was a peaceful process that they went in under, but the point is we have now spent $1.5 billion of DOD money on the Haitian operation.

So my point is that while we are continuing to use the defense budget for all these other purposes, Mr. Speaker, we are also using defense money to pay for the President's escapades around the world, not just in Haiti, continued presence in Somalia which every day seems like it was more and more of a waste to keep our troops there, and troops in Macedonia, Bosnia, and now the huge operation in Haiti.

What really offended me when we had the hearings on our Haiti presence was to find out that while our troops are being told that we have less money to spend on them, that we are using our DOD tax dollars to pay the full salaries, benefits, housing costs and travel for non-United States troops, troops from Guatemala, Nepal, Bangladesh. Other countries that President Clinton had to entice into Haiti are being paid with United States DOD tax dollars. To me that is an outrage, especially at a time when we are cutting defense dollars in such a draconian way.

Mr. Speaker, all of these budget cuts that we have imposed on the military and imposed on our national security establishment have forced us to push back further and further the whole issue that is my second topic tonight, and that is the issue of missile defense. This is an extremely important issue, Mr. Speaker, that we are going to focus on very aggressively between now and the end of this session because the facts have not been properly brought out to the American people about the real threat that is out there.

We know that there are Saddam Husseins in the world and the other threats that we have seen and had to face down, but it is harder to understand what the threat is in terms of a ballistic missile attack, whether it be deliberate or accidental, or even a Cruise missile attack. We are going to be focusing on this glaring area of our national security where we currently have a vacuum and have no proper defense mechanism in place.

When I asked my constituents back in Pennsylvania if they think that we have a system to protect us against one single missile coming into America fired accidentally or deliberately, they cannot believe it when I say that we have no system in place. They just cannot understand how a country with the assets that we have, spending the money that we spend, does not yet have a ballistic missile defense system to protect mainstream America, as well as our troops in the field. As a matter of fact, many of those who have fought long and hard for the past 20 years against missile defense were the same ones cheering the success of the Patriot system when it was brought into play in Desert Storm. The Patriot system was developed through the dollars that we put forth in the old SDI Program starting under President Reagan. If we had not spent money back then, we would not have had a defensive missile system to take down those missiles coming into Israel fired by Saddam Hussein, as primitive as they were.

Mr. Speaker, despite the money that we have spent and despite what the misconception is of the American people, we still do not have adequate missile defense capability for this country in three different areas, and I want to talk about each of them briefly. First of all, Cruise missiles, the missiles that fly at low altitude, the kind that we saw Saddam fire at Israel called the Scud missiles. Seventy-seven countries in the world today have Cruise missiles. Seventy-seven countries in the world today, we have verified, have Cruise missiles. Over 20 countries in the world are capable of producing Cruise missiles.

□ 2250

Now, granted, cruise missiles are primarily aimed at sinking ships. But, Mr. Speaker, a cruise missile can be placed on any platform. A cruise missile can be put on a ship at sea. So when our liberal friends say that we do not need missile defense because no missile can hit our mainland, what they forget is that a cruise missile can in fact be mounted on a ship and in fact could be used to deploy against some part of the American mainland.

We are aggressively developing anti-missile defenses for the cruise missile technology, but not as fast as many in the military would like us to proceed, and in fact not as fast as I would like us to proceed, because I think that poses a tremendous threat to our security.

Now, the Russians, on the other hand, have an aggressive program for cruise missile defense. They have the SA–10 and the SA–12. The SA–12 has more capability than our Patriot system, the one we used in Desert Storm. In fact, what are the Russians doing with that system? We have evidence they are selling it all over the world.

So here are the Russians selling a technology even better than the one that we have in terms of our ballistic missile defense. As a matter of fact, our CIA purchased one of these sophisticated systems and delivered it to Huntsville, AL. To the embarrassment of the CIA, the New York Times ran an editorial about how open this whole process was of buying this supposedly sophisticated piece of equipment from the Russians.

I can tell you, Mr. Speaker, that if we have the SA–12, countries all over the world have the SA–12, because the Russians have placed it on the open market. So cruise missiles are in fact an area that we have to focus our attention on.

The second area is the adequate protection of our defenses when they are in the theater of operation like we saw over in the Middle East called theater missile defense, where we can protect our troops from the kind of attacks that we saw with Scud missiles. The Clinton administration is in favor of theater missile defense, and, even though they have cut the funding for missile defense significantly, we do have a robust program looking to implement theater ballistic missile defense whenever our troops are deployed. Both the Navy, the Army, and the Air Force are working on aggressive theater missile defense capabilities, and I support those efforts. Hopefully we can wrap up some of the funding for those programs, because who knows where the next threat will come from, a theater missile being used against our troops or one of our allies' troops.

In addition, Mr. Speaker, we are working with the Israelis right now to develop a theater missile system that will be used specifically in Israel called the Arrow system, where 80 percent of the costs of that program are being paid for with United States tax dollars.

So theater missile defense is the second key area of missile defense that we are focusing on, and I support the administration's attempt in that area, as well as leadership of General O'Neill, who heads the office and that operation.

But there is a third area of missile defense we are completely ignoring, and that is the whole area of national missile defense. That was part of our debate that we had on the National Security Revitalization Act 2 weeks ago. There are those of us who feel we owe it to the administration to come back and tell us whether or not we have technologies we can deploy that will give us some capability against a deliberate or accidental launch of one, two, three, or perhaps four or five intercontinental ballistic missiles.

Today we have no such system. Even though the ABM treaty allows each of the two signatories the opportunity to have a ballistic missile defense system, only Russia has one. In fact, Russia has today the only operational ABM system, surrounding Moscow. In fact, if you add in the capability of the large phased array radars around that system, you can in effect say they have a larger system, perhaps even the one that would break them out of the ABM treaty. We have no such system in America.

So if a country, whether it be Russia, or China, or eventually North Korea when they develop the capability, has their own technology or buys the technology to fire one missile at one of our cities, we have absolutely no way today to defend the American people. None. Zilch, zero. Despite all the money that we spend on defense in this country, we have no antiballistic missile system to protect our mainland.

Many say we do not need it because we operate on the theory of mutually assured destruction. We dare the Russians to attack us because of retaliation and vice-versa with them. But, Mr. Speaker, that is not the scenario today. In fact, the biggest potential problem we have today comes from instability within the former Soviet Union and the warheads and missiles that are still in place that can in fact be sold to a Third World nation or a rogue nation.

Now, what are the chances of that happening? I have confidence in our intelligence community being able to assess what is the command and control system in Russian today. Let me give you one example. I am going to elaborate on it in a special order in the future.

The mainstay of the Russian ballistic missile system with nuclear warhead capability is the SS–25. Russia has a number of SS–25's positioned throughout their country.

The SS–25 typically operates out of a battery of three missiles, each of which can be programmed to a different city or different target. On each of those missiles in that battery of three is a separate nuclear warhead which means they have three warheads on three different missiles, which can be aimed very quickly at any city in the mainland United States and could hit any one of those cities from any location inside of Russia, or in fact any place that they would choose to take that capability.

That system is the one that worries me the most. Now, why does it worry me? First of all, the SS–25 is mobilely launched, which means the mobile launcher for that rocket can be moved very quickly and very easily. What worries me secondarily about the SS–25 is that the Russians have offered that technology to Brazil to be used as a space launch vehicle.

Now, what is so scary about that? What is so scary about that is there is no difference in the configuration of a SS–25 in Russia with a nuclear warhead than it is in Brazil as a space launch vehicle. If the Russians are offering the SS–25 to Brazil, the question we have to ask is where else are they offering the SS–25?

Now, thank goodness, when we found out about the offering of the SS–25 to Brazil, we stepped in and said no, that is a violation of agreements that we have with the Russians, you cannot do that. So they did in fact back off. But, Mr. Speaker, the point is, how much time are we going to have from the moment that a rogue nation gets the capability of a SS–25 and decides they are going to aim that at one of our cities? Can we afford then to wait 6 to 8 years to develop an affective ballistic missile defense system for our country?

I say no. And that is why I think the prudent course for us to take is not to go off spending tens of billions of new dollars in missile defense. We cannot do that in this environment. But we do owe it to our people and to our citizens to look carefully at technologies that we have been working on that are ready to be deployed.

Secretary Perry organized a Tiger Team task force to look at national ballistic missile defense in January of this year. Their preliminary report showed that we could implement a limited thin layer of protection for the entire continental U.S., headquartered in Grand Forks, ND, that would be able to give us a 90 percent effective rate in taking out a battery of three intercontinental ballistic missiles such as the SS–25. That system is doable today. It could be deployed in a matter of 4 years from the date that we give the go-ahead, which could be as early as say July of this year.

The cost of that system over 5 years is not $25 billion or $30 billion. The cost of that system is approximately $5 billion over 5 years. But it would give us for the first time a defensive capability against an accidental or deliberate launch by a rogue nation of a missile like the SS–25.

Mr. Speaker, I think we owe it to our constituents and to our security interests to pursue the development and implementation of that kind of a system. Beyond the system that is outlined in the Tiger Team report is the need to establish a system of sensors in space. Even our colleagues on the Democratic side led by our good friend and expert from South Carolina, JOHN SPRATT, agree that space-based sensors are necessary for us to detect when a missile is being launched any place in the world.

Following that movement toward a limited thin-layer defense system, we also need to develop a space-based sensor system, which allows us to detect when someone would in fact fire a system against us.

Mr. Speaker, for those reasons, I think it is absolutely critical that when we debate missile defense in this year's authorization and appropriation bill, that we do it based on the facts. Because of that, we are going to be implementing an aggressive program to educate Members of Congress and their staffs with real information about situations occurring around the world that could threaten our security, and where missile defense comes in as a critical element, whether it is theater, whether it is cruise missile, or whether it is national missile defense.

We will be announcing within the week a major proactive effort that will be bipartisan that will include briefings for Members, that will include regular handouts for Members, focusing on the ballistic missile capabilities that are out there today, what capabilities our enemies have, and what kinds of technologies are being distributed throughout the world.

It is extremely important that our colleagues, when faced with a vote on missile defense in the future, do so based on fact and not emotion. We are not talking about the term ''star wars.'' As I said during the debate on the National Security Revitalization Act, star wars has no place in the discussion today. Even our colleagues on the other side have acknowledged that.

We are talking about moving very deliberately into technology that we have been working on that we know are deployable within the near term, and doing it in such a way that we can afford it, based upon the budgetary constraints that we have, given our other concerns and priorities.

Mr. Speaker, this debate will occur in the May-June time frame, when we have defense bills on the floor, but I want to make sure as chairman of the Military Research and Development Subcommittee of the Committee on National Security that Members do so based on factual information.

Mr. Speaker, the final topic I want to hit tonight as relates to defense has to do with technology transfer, and a very scary event that is about to happen or actually has happened and continues to unfold involving the ability of the Chinese enhance their Cruise Missile capability.

Mr. Speaker, an article in the Washington Times dated February 13 highlighted the sale of Russian rocket motors to China, and the Clinton administration's efforts to try to halt the Russian sale of the rocket motors to China because of our antiproliferation legislation and laws, and because our officials feel the engines will be used in advanced Chinese cruise missiles.

The Clinton administration maintains that the sale of these engines by the Russians violates the missile technology control regime, but the Russian Government recently informed the United States Government and the Clinton administration it would not stop the sale because, and this is what is really outrageous, the White House had approved a similar sale of United States-made gas turbines to the Chinese last year.

We have seen the headlines today, where we have a new agreement with the Chinese on trade relations, but Mr. Speaker, how outrageous is it that we in fact are continuing under the Clinton administration to sell dangerous technology that will allow them to enhance their Cruise Missile capability?

We objected when the Russians wanted to sell their engines to the Chinese, because of what it would do, but we in fact ourselves are committing and have committed that same egregious error.

In fact, this past Monday, February 20, in the Jack Anderson and Michael Binstein column entitled ''A Red Flag on Technology Sale to China, the Clinton administration is poised to allow a controversial technology sale that many believe could help the Communist country upgrade its missile program.''

We are not just talking now about the sale of the engines. The Clinton administration now is about ready to approve the sale of the technology, so that Chinese can now begin to build the engines that will be used in the cruise missiles that could in fact attack the United States or our allies.

Let me read a quote from one frustrated administration official in the Jack Anderson column: ''The Administration knows this in fact would give China this new technology capability , but so far, no one has had the political will to stand up and say no.'' It further goes on to say ''Clearly, the Chinese could use this technology to make engines which are perfectly suited for that requirement,'' of improving their Cruise Missile engines, ''says Kenneth Timmerman, a security specialist and director of the Middle East Data Project.''

He goes on to say that there was a confidential memo that Jack Anderson was able to get a copy of that supports Mr. Timmerman's view. I quote from the memo: ''Garrett engines,'' and Garrett is a company that manufactures these engines in the U.S., ''Garrett engines and/or production technology would provide an array of high performance capabilities to satisfy China's military requirements well into the 21st Century,'' one document alleges.

''Another study indicates China could make engines capable of launching a biological warhead about 1,000 miles if it obtained these materials.''

Mr. Speaker, what the administration is saying internally, which has not yet come out in public until this article by Jack Anderson was revealed last week, is that internal documents in the administration are cautioning that giving the Chinese this technology will allow them to have cruise missiles that can go up to 1,000 miles with a biological warhead on that cruise missile.

Despite the red flags being raised, the Clinton administration last year lifted the export controls for this particular engine that normally cover the Garrett technology, and they are now about to let the technology itself be transferred to the Chinese.

''Critics of the deal are outraged,'' as they should be. ''This is exactly what we said would happen a year ago,'' an American official said. ''We warned that the Chinese would come after the technology after they got the engines, but the administration decontrolled it anyway. In my mind, it constitutes criminal negligence.''

An administration official that opposed the sale of the engines and now the technology itself, saying that they told the administration the Chinese would go to get the technology, which they are doing right now, and that we did it anyway, in his mind, it is criminal negligence.

Mr. Speaker, this administration has to understand that the defense of this country and our people is of the highest priority, and those of us who serve on the Committee on National Security, both Republicans and Democrats, use every minute of the day that we have to focus on how to support that defense.

However, Mr. Speaker, what we are seeing occur today with defense spending numbers, with the lack of an effort for adequate missile defense capability, and with uncontrolled arms sales that jeopardize our future security, that is absolutely outrageous.

Mr. Speaker, over the next 4 weeks we will be highlighting each of these components in detail. I ask you and our colleagues to read with great interest what we provide, to challenge it, to ask for backup material and data, so when we have a full debate in May on the authorization bill, that we do it based on the facts and not emotion.

Mr. Speaker, I include for the RECORD the editorial from the Tampa Tribune of February 13, and that articles from the Washington Times dated February 13, entitled ''Russia Sells Rocket Motors to China'' be entered, and that the Monday, February 20 Jack Anderson column entitled ''A Red Flag on Technology Sale to China'' also be entered in the RECORD.

I thank the Speaker and our hard-working staff for their dedication in allowing me to complete this special order.

The material referred to is as follows:

[From the Tampa Tribune, Feb. 13]

HERE'S A GRAND LITTLE STORY TO STIR YOUR BLOOD ON A MONDAY MORNING

How does an unemployed family in Lake Providence, LA., qualify for $46,716 a year in tax-free cash from the federal government?

The Baltimore Sun, in a special report, details one woman's crusade to win disability benefits and gives a rare insight into a welfare system infuriatingly out of control.

Rosie Watson, the Sun reports, gets $343.50 a month in disability payments because a judge found her too stressed-out to work. Her common-law husband, at 386 pounds, was ruled too fat to work, so he gets $343.50 a month too.

Their seven children, ages 13 to 22, have all failed to demonstrate ''age-appropriate behavior,'' so each of them qualifies for payments of $458 a month, what the welfare world calls ''crazy checks.''

The Sun's description of Watson's persistent efforts over many years to convince social workers and judges that various members of her family are incapable of supporting themselves reveals serious flaws in the welfare system, flaws that account for the nation's increasingly hostile opinion of it.

''I GOT NOTHING to hide,'' the woman told the Sun, and allowed reporters to visit her in her modest home, even opened her Social Security records to them. The inescapable conclusion is that the problems lie with the system, not with people like Watson who, like good attorneys, endeavor to make their best case.

Watson's quest began in 1975 when she tried and failed to convince Social Security officials she couldn't work.

In 1978 she told officials that her second child, at age 4, was a threat to other children and should receive financial aid. They didn't buy it, but she kept up, applying again and again until, in 1984, Social Security officials agreed that he had behavior problems. A few years later she received a $10,000 check after it was decided he should have been declared disabled four years earlier.

In all, the family has received $37,000 in retroactive payments, part of $1.4 billion in retroactive checks mailed after the Supreme Court in 1990 gave children increased rights to disability payments.

After 15 years of relentless applications, Rosie Watson has had all her children put on disability payments. The youngest child, now 13, attends elementary school, where the principal complains that the quest for ''crazy checks'' is undermining academic standards. The children don't want to fail but perform poorly to please their parents, he says.

Not true, says Watson.

''I ain't never told any of 'em to act crazy and get some money,'' she said. ''Social Security will send you to their own doctor. They're not fooled because those doctors read your mind. They know what you can do and not do.''

The Sun discovered that one doctor found a Watson boy had ''strong anti-social features in his personality and is volatile and explosive.'' And, ''he said he does not want work.''

Apparently, unless government rules are changed, he will never have to get a job.

Here is the Sun's description of what Mother Watson does with the $3,893 worth of monthly checks:

''As soon as she extracts the nine checks from the [post office] box, she cashes them. She gives the full amount so Sam, 21 and Cary, 22, the father of two children who have moved out of the house since being awarded benefits. The remainder is used for the other children and household expenses.

''Most of the money goes for the children to 'see that they have what's needed,' the woman says. 'With what's left, I pay bills and buy food.'

''One need is $120 allowances for George, 14 David, 17, Willie, 18, and Danny, 19.

''Being the age they is and being out therewith their little girlfriends, they need the money,' she says.''

The checks are sent because of a disability, but there is no requirement that the money be spent to try to overcome that disability, the Sun reports. The family's medical needs are taken care of through Medicaid, the value of which the newspaper did not attempt to calculate.

The reporters had a little trouble determining exactly what Rosie Watson's disability is.

In 1974 she said she couldn't work because of high blood pressure, heart trouble and bad nerves, and was rejected. In 1975 she reported it was anemia, dizziness, nerves and bad kidneys, and was rejected. In 1976 she blamed low blood pressure and heart problems, was rejected and gave up for a while.

In 1984 she applied again complaining of stomach problems, epilepsy and sinus trouble. In 1985 the list included ''female problems,'' and an examining doctor concluded: ''This is a 34-year-old black female who has seven children under 12 years of age, an alcoholic husband and no money, who complains of insomnia, crying spells, depression.''

She appealed that rejection to a judge who determined her unable to cope with the ''stresses of any type of competitive employment,'' and the checks began to flow. Two years later, a judge ruled her husband disabled because he was obese.

The newspaper concludes that the Watson family likely will remain on welfare permanently, with the children moving directly onto the adult rolls.

What did Congress intend when it created such a program that rewards failure more richly than the competitive market can reward hard work?

What it got was places like Lake Providence, where ''crazy checks'' have become important parts of the town's culture and economy.

[From the Washington Times, Feb. 13, 1995]

RUSSIA SELLS ROCKET MOTORS TO CHINA

(By Bill Gertz)

The Clinton administration is trying to halt Russia's sale of rocket motors to China because anti-proliferation officials say the engines will be used in advanced Chinese cruise missiles.

State Department officials notified Moscow last year that the sale of military rocket motors would violate the Missile Technology Control Regime (MTCR), the international accord aimed at blocking the spread of missile technology, according to administration officials.

But the Russian government recently informed the U.S. government it would not stop the sale because the White House had approved a similar sale of U.S.-made gas turbine engines to China last year.

One official said the small rocket motors are taken from Russian cruise missiles and

are suitable for use in Chinese cruise missiles.

The official said the sale would put Moscow in violation of the 1987 MTCR, which bars sales of missiles or components capable of lofting a payload of at least 1,100 pounds of a range of at least 186 miles.

The engine deal is part of broader Russian efforts to supply military hardware and technology to China, regarded as a major proliferator of weapons and technology, officials said.

The U.S.-Russia dispute over the sale comes amid fresh reports that the United States tried unsuccessfully to block an $800 million contract between Moscow and the Iranian government to build a nuclear power plant.

Russian officials went ahead with the Iranian reactor because of the U.S. agreement with North Korea to provide that rogue nation with nuclear reactor technology, said officials who spoke on condition of anonymity.

U.S. officials believe the Russian support will assist Tehran's drive for nuclear weapons, which many officials say are several years away.

''We have expressed our concerns on that issue and continue to express our concerns,'' White House Chief of Staff Leon Panetta said yesterday. ''And, obviously, we think that ultimately there's some hope that this will not take place.''

Mr. Panetta said the administration will review ''our relationship'' with Russia in an effort to force Moscow to ''adhere to the policy that we believe in, which is, let us not give aid to terrorists in this world.''

Administration officials said U.S. efforts to halt the proposed sale of Russian rocket motors to China were undermined by the sale last year of jet engines made by the Phoenix-based Garrett Co., a subsidiary of AlliedSignal.

The Garrett jet engines were sold to the Nanchang Aircraft Co., which manufactures jet trainers used by the Chinese military.

The engine sale lifted controls on the small engine technology that the CIA believes could be used in long-range Chinese cruise missiles.

China produces six types of surfaced-launched cruise missiles, including the Silkworm, and has exported cruise missiles to Iran, Iraq, North Korea and Pakistan. It also has exported airlaunched cruise missiles to Iran.

The officials did not disclose the exact type of cruise missile engine being marketed by the Russians.

The sale of jet engines by the Phoenix-based manufacturer Garrett was bitterly opposed by some CIA and Pentagon officials last year because of just the type of problem raised by efforts to head off the proposed engine sale by the Russians.

''The administration's counter-proliferation program is a total failure,'' one official said. ''There isn't one program that has been able to stop the proliferation of weapons technology.''

The Chinese are more interested in acquiring the Garrett engine production technology than the Russian engines, which are inferior to the U.S. engines.

In fact, the Chinese are now seeking to buy the technology needed to produce their own versions to produce their own versions of the Garrett turbine engines, U.S. officials said.

[From the Post, Monday, Feb. 20, 1995]

A RED FLAG ON TECHNOLOGY SALE TO CHINA

(By Jack Anderson and Michael Binstein)

The Clinton administration is proving once again that on arms proliferation issues, profit often rules over prudence.

At a time when American officials are threatening the People's Republic of China over its unfair trade practices, human rights abuses and weapons exports, the Clinton administration is poised to allow a controversial technology sale that many believe could help the communist country upgrade its missile program.

''This [sale] would give China the technological know-how to make engines for long-range cruise missiles capable of hitting any city in Japan, Korea—all the way through India,'' one frustrated American official explained. ''The administration knows this, but so far no one has had the political will to stand up and say no.''

The proposed deal involves AlliedSignal Inc., the California-based aerospace giant. The company recently informed the government that it intends to sell China the manufacturing technology used to build its Garrett gas turbine engines. This follows on the heels of a controversial decision by the administration last year to allow the Garrett engines to be sold.

AlliedSignal officials told us the technology poses little risk because it is suited only to build aircraft engines.''We are not in a position to judge China's missile engine manufacturing capability,'' a company spokesman said, ''However, the technology involved is specific to civil-certified [Garrett] engines, which are designed for aircraft operations.''

Arms proliferation experts believe China wants the Garrett technology to establish a domestic production line for upgraded cruise missile engines. ''Clearly, the Chinese could use this to make engines which are perfectly suited for that requirement,'' says Kenneth Timmerman, a security specialist and director of the Middle East Data Project.

Confidential government studies obtained by our associates Dean Boyd and Dale Van Atta support Timmerman's view. ''Garrett engines and/or production technology would provide an array of high * * * performance capabilities to satisfy [China's] military requirements well into the next century,'' one document alleges. Another study indicates China could make engines capable of launching a biological warhead about 1,000 miles if it obtained these materials.

Despite the red flags, the Clinton administration last year lifted the export controls that normally cover the Garrett technology. This means AlliedSignal is free to sell its manufacturing technology without government approval—unless the administration reverses itself. So far, there's been little indication this will happen.

Iain S. Baird, the Commerce Department's deputy assistant secretary for export administration, maintains there is no legal basis to oppose the sale. He says the Garrett technology is more than 20 years old and ''completely impractical'' for use in cruise missiles. Baird added that AlliedSignal should be applauded for taking ''the unusual step of advising'' the government of the sale when it wasn't required to.

In the original engine sale, which came in the wake of the administration's 1994 decision, the engines were to be used in a military jet China was developing with Pakistan. Many American officials opposed the deal, after intelligence studies found that the Chinese recipient was involved in missile building and that the engines could form the basis for a new Chinese cruise missile.

Nevertheless, the Clinton administration approved the sale, allowing the engines to be exported as civilian goods despite their declared military end-use. Despite specific warnings from Congress, officials at the Pentagon and the Commerce Department also removed export controls from the Garrett manufacturing technology.

Allied Signal says it has sold only 33 Garrett engines to China, and the technology sale hasn't been finalized. A company spokesman added, ''At this point, we don't need government approval.''

Critics of the deal are outraged. ''This is exactly what we said would happen a year ago,'' an American official said. ''We warned that the Chinese would come after the technology after they got the engines, but [the administration] decontrolled it anyway. In my mind, it constitutes criminal negligence.''

The anger generated by the proposed sale is not surprising considering a simulated war game played out by the Pentagon last year. In the fictitious battle scenario, which projected what China's military capability and manpower would be in 2010, China routed the U.S. Navy's 7th Fleet, due in part to a line of new precision-guided cruise missiles.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING REVISED 302(a)/602(a) ALLOCATION FOR FISCAL YEARS 1995–1999

(Mr. KASICH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KASICH. Mr. Speaker, pursuant to section 202(c) of House Resolution 6, I am submitting for printing in the CONGRESSIONAL RECORD a revised allocation, based upon the conference report on House Congressional Resolution 218, the concurrent budget resolution for fiscal year 1995, of the appropriate levels of total outlays, new budget authority, and entitlement authority among each committee of the House of Representatives that has jurisdiction over legislation providing those amounts.

The revised allocation reflects the changes in committee jurisdiction set forth in clause 1 of rule X of the Rules of the House of Representatives for the 104th Congress. Pursuant to section 202(c) of House Resolution 6, the revised allocation shall be effective in the House as though made pursuant to sections 302(a) and 602(a) of the Congressional Budget Act of 1974.

Section 302(b) and 602(b) of the Congressional Budget Act of 1974 require the submission of an allocation as part of the joint statement accompanying a conference report on a budget resolution. The allocation provides the basis for congressional enforcement of the resolution through points of order under the Congressional Budget Act.

The allocation is as follows:

ALLOCATIONS OF SPENDING TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FY 1995

[In millions of dollars]

	Budget authority	Outlays	Entitlement authorities
APPROPRIATIONS COMMITTEE			
Current level (enacted law):			
050 National Defense	198	198	
150 International Affairs	174	174	
300 Natural Resources & Environment	2,088	1,932	
350 Agriculture	8,902	546	
370 Commerce & Housing Credit	938	1,238	
400 Transportation	571	574	
500 Education, Training, Employment & Social Services	12,280	12,059	
550 Health	100,823	100,790	
570 Medicare	42,896	42,896	
600 Income	77,792	78,012	
650 Social Security	25	25	
700 Veterans' Benefits & Services	18,599	18,119	
750 Administration of Justice	398	394	
800 General Government	7,743	7,735	
900 Net Interest	57	57	
Subtotal	273,484	264,750	
Discretionary appropriations action (assumed legislation):			
050 National Defense	264,321	271,102	
150 International Affairs	20,936	20,954	
250 General Science, Space & Technology	17,300	17,153	
270 Energy	6,475	6,488	
300 Natural Resources & Environment	21,358	21,238	
350 Agriculture	4,421	4,500	
370 Commerce & Housing Credit	3,714	3,488	
400 Transportation	15,211	38,348	
450 Community & Regional Development	9,165	9,129	
500 Education, Training, Employment & Social Services	44,321	40,425	
550 Health	23,119	22,237	
570 Medicare	2,975	2,974	
600 Income	34,850	37,533	
650 Social Security		2,590	
700 Veterans' Benefits & Services	17,926	17,742	
750 Administration of Justice	18,465	16,849	
800 General Government	13,206	12,951	
920 Allowances	(6,604)	(4,722)	
Subtotal	511,159	540,979	
Discretionary action by other committees (assumed entitlement legislation):			
600 Income Security	361	309	
700 Veterans' Benefits & Services	340	340	
Subtotal	701	649	
Committee total	785,344	806,378	
AGRICULTURE COMMITTEE			
Current level (enacted law):			
150 International Affairs	(534)	(534)	
270 Energy	13	(459)	
300 Natural Resources & Environment	514	519	
350 Agriculture	8,416	7,308	7,924
400 Transportation	61	61	
450 Community & Regional Development	324	280	
600 Income Security			1,142
800 General Government	270	273	
900 Net Interest			57
Committee total	9,063	7,448	9,123
NATIONAL SECURITY			
Current level (enacted law):			
50 National Defense	12,788	12,925	
300 Natural Resources & Environment	3	2	
400 Transportation	6	(22)	
500 Education	4	3	
600 Income Security	27,599	27,467	27,461
700 Veterans' Benefits	191	179	179
Committee total	40,591	40,554	27,640
BANKING, FINANCE & URBAN AFFAIRS			
Current level (enacted law):			
150 International Affairs	(479)	(1,355)	
370 Commerce & Housing Credit	2,935	(12,934)	
450 Community & Regional Development	2	(17)	
500 Education, Training, Employment & Social Services		1	
600 Income Security	50	166	
800 General Government	(28)	(22)	
900 Net Interest	3,108	3,108	
Committee total	5,587	(11,054)	
ECONOMIC & EDUCATIONAL OPPORTUNITIES			
Current level (enacted law):			
500 Education, Training, Employment & Social Services	905	1,010	4,095
600 Income Security	122	120	9,437
Subtotal	1,026	1,130	13,532
Discretionary action (assumed legislation):			
600 Income Security			309
Committee total	1,026	1,130	13,841
COMMERCE			
Current level (enacted law):			
300 Natural Resources & Environment		(7)	
400 Transportation	11	9	
550 Health	433	435	96,484
600 Income Security	14,778	14,407	11,196
800 General Government	8	8	

ALLOCATIONS OF SPENDING TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FY 1995—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authorities
Committee total	15,231	14,851	107,680
INTERNATIONAL RELATIONS			
Current level (enacted law):			
150 International Affairs	14,464	14,082	
400 Transportation	7	18	
600 Income Security	479	479	468
800 General Government	4	4	
Committee total	14,954	14,582	468
GOVERNMENT REFORM & OVERSIGHT			
Current level (enacted law):			
550 Health		(653)	3,658
600 Income Security	37,999	36,802	36,802
750 Administration of Justice	44	44	44
800 General Government	13,328	13,328	
900 Net Interest	87	87	
Committee total	51,458	49,609	40,505
HOUSE OVERSIGHT			
Current level (enacted law):			
500 Education, Training, Employment & Social Services	19	17	
700 Veterans' Benefits & Services	2	2	
800 General Government	83	26	116
Committee total	104	45	116
RESOURCES			
Current level (enacted law):			
270 Energy	167	(62)	
300 Natural Resources	681	572	
370 Commerce Housing & Credit	66	66	
450 Community & Regional Development	444	441	339
550 Health	5	5	
800 General Government	819	829	171
Committee total	2,181	1,849	510
JUDICIARY			
Current level (enacted law):			
370 Commerce & Housing Credit	152	152	
500 Education, Training, Employment & Social Services	243	244	
600 Income Security	60	19	19
750 Administration of Justice	1,328	1,360	173
800 General Government	488	488	
Committee total	2,270	2,262	191
TRANSPORTATION & INFRASTRUCTURE			
Current level (enacted law):			
270 Energy	1,356	760	
300 Natural Resources	270	218	
400 Transportation	24,101	6	546
450 Community & Regional Development	5	168	
800 General Government	16	16	
Subtotal	25,748	1,169	546
Discretionary action (assumed legislation):			
400 Transportation	2,161		
Committee total	27,909	1,169	546
SCIENCE			
Current level (enacted law):			
250 General Science, Space & Technology	30	30	
500 Education, Training, Employment & Social Services	1	1	
Committee total	31	31	
SMALL BUSINESS			
Current level (enacted law):			
370 Commerce & Housing Credit	6	(104)	
450 Community & Regional Development		(279)	
Committee total	6	(383)	
VETERANS' AFFAIRS			
Current level (enacted law):			
700 Veterans' Benefits & Services	1,531	1,596	19,498
Subtotal	1,531	1,596	19,498
Discretionary action (assumed legislation):			
700 Veterans' Benefits & Services			340
Committee total	1,531	1,596	19,837
WAYS & MEANS			
Current level (enacted law):			
500 Education, Training, Employment & Social Services			7,535
570 Medicare	183,258	181,302	177,368
600 Income Security	39,966	39,095	80,609
650 Social Security	6,815	6,815	
750 Administration of Justice	450	450	
800 General Government	354	354	
900 Net Interest	314,285	314,285	314,285
Committee total	545,129	542,301	579,797
UNASSIGNED TO COMMITTEES			
Current level (enacted law):			
050 National Defense	(13,508)	(13,524)	

ALLOCATIONS OF SPENDING TO HOUSE COMMITTEES PURSUANT TO SEC. 602(a) OF THE CONGRESSIONAL BUDGET ACT—FY 1995—Continued

[In millions of dollars]

	Budget authority	Outlays	Entitlement authorities
150 International Affairs	(15,261)	(15,221)	
250 General Science, Space & Technology	(30)	17	
270 Energy	(1,711)	(1,726)	
300 Natural Resources & Environment	(3,214)	(3,175)	
350 Agriculture	(8,738)	(154)	
370 Commerce & Housing Credit	(111)	(105)	
400 Transportation	(229)	(193)	
450 Community & Regional Development	(440)	(422)	
500 Education, Training, Employment & Social Services	(73)	(60)	
550 Health	(79)	(14)	
570 Medicare	(66,729)	(66,672)	
600 Income Security	(13,256)	(13,210)	
650 Social Security	(40)	(30)	
700 Veterans' Benefits & Services	(1,389)	(1,377)	
750 Administration of Justice	(1,884)	(1,896)	
800 General Government	(21,885)	(21,885)	
900 Net Interest	(70,438)	(70,438)	(55,752)
920 Allowances	4	22	
950 Undistributed Offsetting Receipts	(44,700)	(44,700)	
Committee total	(263,710)	(254,762)	(55,752)
Grand committee total	1,238,705	1,217,605	744,502

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–1999
APPROPRIATIONS COMMITTEE						
Current level:						
Budget authority	273,484	270,468	302,357	328,114	359,693	1,534,116
Outlays	264,750	261,786	293,031	319,587	350,593	1,489,747
Discretionary action:						
General purpose:						
Budget authority	506,872	509,616	511,391	519,492	531,725	2,578,646
Outlays	538,696	538,706	539,951	541,050	542,001	2,700,404
Violent crime:						
Budget authority	4,287	5,000	5,500	6,500	6,500	27,787
Outlays	2,283	3,936	4,904	5,639	6,225	22,987
Total:						
Budget authority	511,159	514,616	516,891	525,992	537,775	2,606,433
Outlays	540,979	542,642	544,855	546,689	548,226	2,723,391
Discretionary action by other committees:						
Budget authority	701	27,668	29,239	33,503	35,395	126,506
Outlays	649	27,019	29,177	32,850	35,213	124,908
Committee total:						
Budget authority	785,344	812,752	848,487	887,609	932,864	4,267,055
Outlays	806,378	831,447	867,063	899,126	934,032	4,338,045
AGRICULTURE COMMITTEE						
Current level (enacted law):						
Budget authority	9,063	9,733	10,052	10,205	10,517	49,570
Outlays	7,448	7,569	7,660	7,791	8,067	38,535
New entitlement authority		1,150	1,204	1,237	1,270	4,861
NATIONAL SECURITY COMMITTEE						
Current level (enacted law):						
Budget authority	40,591	42,789	45,053	47,498	50,776	226,707
Outlays	40,554	42,609	44,857	47,313	50,584	225,917
BANKING, FINANCE & URBAN AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	5,587	3,981	3,609	3,447	3,310	19,934
Outlays	(11,054)	(13,068)	(5,800)	(5,677)	(4,789)	(40,388)
Currentl level (enacted by law):						
ECONOMIC & EDUCATIONAL OPPORTUNITIES COMMITTEE						
Budget authority	1,026	532	351	176	97	2,181
Outlays	1,130	(733)	(44)	172	77	602
New entitlement authority	309	389	420	2,162	2,663	5,943
COMMERCE COMMITTEE						
Current level (enacted law):						
Budget authority	15,231	15,552	15,873	16,141	16,349	79,146
Outlays	14,851	15,152	15,284	15,540	15,547	76,374
INTERNATIONAL RELATIONS COMMITTEE						
Current level (enacted law):						
Budget authority	14,954	12,507	11,584	10,489	9,683	59,217
Outlays	14,582	13,798	12,980	12,122	11,276	64,758
GOVERNMENT REFORM & OVERSIGHT COMMITTEE						
Current level (enacted law):						
Budget authority	51,458	52,669	54,455	56,350	58,402	273,334
Outlays	49,609	50,692	52,426	54,247	56,228	263,202
HOUSE OVERSIGHT COMMITTEE						
Current level (enacted law):						
Budget authority	104	103	102	103	104	516
Outlays	45	203	23	20	49	340
RESOURCES COMMITTEE						
Current level (enacted law):						
Budget authority	2,181	2,245	2,167	2,094	2,112	10,799
Outlays	1,849	2,113	2,152	2,081	2,023	10,218
JUDICIARY COMMITTEE						
Current level (enacted law):						
Budget authority	2,270	2,180	2,284	2,404	2,528	11,666
Outlays	2,262	2,140	2,224	2,343	2,467	11,436
TRANSPORTATION & INFRASTRUCTION COMMITTEE						
Current level (enacted law):						
Budget authority	25,748	25,254	27,335	1,554	834	80,725
Outlays	1,169	979	981	971	636	4,736
Discretionary action:						
Budget authority	2,161	2,161	2,161	28,750	29,508	64,741

ALLOCATION OF SPENDING RESPONSIBILITY TO HOUSE COMMITTEES PURSUANT TO SECTION 602(a) OF THE CONGRESSIONAL BUDGET ACT—Continued

[By fiscal year, in millions of dollars]

	1995	1996	1997	1998	1999	1995–1999
Outlays						
Committee total:						
Budget authority	27,909	27,415	29,496	30,304	30,342	145,466
Outlays	1,169	979	981	971	636	4,736
SCIENCE COMMITTEE						
Current level (enacted law):						
Budget authority	31	31	31	31	31	155
Outlays	31	31	31	31	31	155
SMALL BUSINESS COMMITTEE						
Current level (Enacted Law):						
Budget authority	6	3	4	3	3	19
Outlays	(383)	(313)	(249)	(185)	(154)	(1,284)
VETERANS' AFFAIRS COMMITTEE						
Current level (enacted law):						
Budget authority	1,531	1,470	1,445	1,344	1,272	7,062
Outlays	1,596	1,446	1,449	1,464	1,464	7,419
New entitlement authority	340	674	1,133	1,573	2,023	5,743
WAYS & MEANS COMMITTEE						
Current level (enacted law):						
Budget authority	545,129	588,303	628,675	671,199	719,529	3,152,835
Outlays	542,301	585,182	625,435	667,765	715,576	3,136,259
New entitlement authority						
UNASSIGNED TO COMMITTEE						
Current level (enacted law):						
Budget Authority	(263,710)	(263,466)	(279,269)	(295,496)	(311,017)	(1,412,958)
Outlays	(254,762)	(254,848)	(269,872)	(286,822)	(302,214)	(1,368,518)
Total current level:						
Budget Authority	724,684	764,355	826,109	855,655	924,221	4,095,024
Outlays	675,978	714,738	782,568	838,761	907,461	3,919,506
Total discretionary action:						
Budget Authority	514,021	544,445	548,291	588,245	602,679	2,797,681
Outlays	541,627	569,661	574,032	579,539	583,439	2,848,298
Grand total:						
Budget Authority	1,238,705	1,308,800	1,374,400	1,443,900	1,526,900	6,892,705
Outlays	1,217,605	1,284,400	1,356,600	1,418,300	1,490,900	6,767,400
Total new entitlement authority	649	2,214	2,757	4,972	6,170	16,761

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HUNTER (at the request of Mr. ARMEY), for today, on account of family medical reasons.

Mr. RUSH (at the request of Mr. GEPHARDT), for February 24, 27, and 28, on account of personal business.

Mr. MFUME (at the request of Mr. GEPHARDT), for today, on account of personal business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TOWNS) to revise and extend their remarks and include extraneous material:)

Mr. FARR, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

Mr. WHITFIELD, for 5 minutes, on February 28.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. TOWNS) and to include extraneous matter:)

Mr. STARK, in two instances.

Mr. MARKEY.

Mr. OBEY.

Mr. MILLER of California.

Mr. DELLUMS.

Mr. FAZIO of California.

Mr. MANTON.

Mr. FALEOMAVAEGA.

Mr. MOAKLEY.

Ms. KAPTUR.

Mr. MCNULTY.

Mr. PASTOR.

Mr. POSHARD.

The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mrs. JOHNSON of Connecticut.

Mr. ROGERS.

Mr. MOOREHEAD.

Mr. SHAYS.

Mr. SMITH of New Jersey.

Mr. PACKARD.

Mr. DAVIS, in two instances.

Mr. YOUNG of Alaska, in two instances.

Mr. GILMAN.

ADJOURNMENT

Mr. WELDON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 8 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, February 28, 1995, at 9:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

411. A letter from the Under Secretary of Defense (Comptroller), transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Navy, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

412. A letter from the Under Secretary of Defense (Comptroller), transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

413. A letter from the Assistant Secretary of Defense for Economic Security, transmitting the BRAC 95 force structure plan for the Armed Forces, pursuant to Public Law 101–510, section 2903(a); to the Committee on National Security.

414. A letter from the Acting Secretary of State, Department of State, transmitting the listing of a commercial military export that is eligible for approval in calendar year 1995, pursuant to 22 U.S.C. 2765(a); to the Committee on International Relations.

415. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

416. A letter from the Deputy Assistant Secretary for Public Affairs, Department of Defense, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

417. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCINNIS: Committee on Rules. House Resolution 100. Resolution providing for the consideration of the bill (H.R. 926) to promote regulatory flexibility and enhance public participation in Federal agency rulemaking, and for other purposes (Rept. 104–52). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. House Resolution 80. Resolution requesting the President to submit information to the House of Representatives concerning actions taken through the exchange stabilization fund to strengthen the Mexican peso and stabilize the economy of Mexico; with an amendment (Rept. 104–53). Referred to the Committee of the Whole House on the state of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 531. A bill to designate the Great Western Scenic Trail as a study trail under the National Trails System Act, and for other purposes; with an amendment (Rept. 104–54). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 529. A bill to authorize the exchange of National Forest System lands in the Targhee National Forest in Idaho for non-Federal lands within the forest in Wyoming; with an amendment (Rept. 104–55). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GILMAN:

H.R. 1057. A bill to provide for hearing care services by audiologists to Federal civilian employees; to the Committee on Government Reform and Oversight.

By Mr. BLILEY (for himself, Mr. FIELDS of Texas, Mr. COX of California, and Mr. TAUZIN):

H.R. 1058. A bill to reform Federal securities litigation, and for other purposes; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FALEOMAVAEGA:

H.R. 1059. A bill to require the Secretary of Agriculture to extend a nutrition assistance program to American Samoa, and for other purposes; to the Committee on Agriculture.

H.R. 1060. A bill to include the Territory of American Samoa in the Supplemental Security Income Program; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut (for herself, Mr. MATSUI, Mr. CRANE, Mrs. KENNELLY, and Ms. ESHOO):

H.R. 1061. A bill to amend the Internal Revenue Code of 1986 to more accurately codify the depreciable life of semiconductor manufacturing equipment; to the Committee on Ways and Means.

By Mr. LEACH:

H.R. 1062. A bill to enhance competition in the financial services industry by providing a prudential framework for the affiliation of banks, securities firms, and other financial service providers; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 1063. A bill to provide a framework for Securities and Exchange Commission supervision and regulation of derivatives activities, and for other purposes; to the Committee on Commerce.

By Mr. SENSENBRENNER:

H.R. 1064. A bill to repeal the Impoundment Control Act of 1974; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 1065. A bill to direct the Secretary of Health and Human Services to establish a program to provide pregnant women with certificates to cover expenses incurred in receiving services at maternity and housing services facilities and to direct the Secretary of Housing and Urban Development to provide assistance to nonprofit entities for the rehabilitation of existing structures for use as facilities to provide housing and services to pregnant women; to the Committee on Commerce, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1066. A bill to establish grant programs and provide other forms of Federal assistance to pregnant women, children in need of adoptive families, and individuals and families adopting children; to the Committee on Economic and Educational Opportunities, and in addition to the Committees on National Security, Banking and Financial Services, Ways and means, Commerce, Government Reform and Oversight, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 1067. A bill to amend title XVIII of the Social Security Act to require renal dialysis facilities to meet hemodialysis standards as a condition of receiving payment for renal hemodialysis services furnished under the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1068. A bill to direct the Secretary of Health and Human Services to conduct a demonstration project under which payment shall be made under the Medicare Program for renal disease management services furnished to individuals at risk for end stage renal disease to accurately assess whether those management services can prevent the progression of renal disease to renal failure and thereby delay the onset of dialysis and cause savings for the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UNDERWOOD (for himself and Mr. FRAZER):

H.R. 1069. A bill to extend the Supplemental Security Income Benefits Program to Guam and the U.S. Virgin Islands; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 9: Mr. DREIER, Mr. TAYLOR of North Carolina, Mr. GALLEGLY, Mr. PETERSON of Minnesota, and Mr. CHABOT.

H.R. 24: Mr. PETERSON of Minnesota.

H.R. 70: Mr. CHABOT and Mr. HASTINGS of Washington.

H.R. 89: Mr. GUNDERSON.

H.R. 93: Mr. STUMP.

H.R. 94: Mr. QUILLEN and Mr. BUNNING of Kentucky.

H.R. 218: Mr. LAHOOD.

H.R. 248: Ms. LOFGREN.

H.R. 312: Mr. SENSENBRENNER, Mr. TALENT, Mr. PETERSON of Minnesota, Mr. HANCOCK, Mr. SOUDER and Mr. COX.

H.R. 371: Mr. CRAMER.

H.R. 375: Mr. HERGER.

H.R. 377: Ms. FURSE and Mr. EVANS.

H.R. 436: Mr. BARRETT of Nebraska, Mrs. LINCOLN, Mr. JOHNSON of South Dakota, Mr. STENHOLM, Mr. BISHOP, Mr. JACOBS, Mr. MINGE, and Mrs. CHENOWETH.

H.R. 489: Mr. DICKEY, Mr. ALLARD, and Mr. HASTINGS of Washington.

H.R. 490: Mr. DICKEY and Mr. RIGGS.

H.R. 497: Mr. PACKARD, Mr. HALL of Ohio, Mr. MCKEON, and Mr. WICKER.

H.R. 605: Mrs. MEYERS of Kansas, Mr. SHAYS, and Mr. ROYCE.

H.R. 638: Mr. ENGEL and Mr. REED.

H.R. 652: Mr. LIPINSKI and Mr. BEILENSON.

H.R. 676: Mr. MEEHAN, Mr. DELLUMS, Mr. SANDERS, Mr. FRANK of Massachusetts, Mr. LIPINSKI, Mr. JACOBS, Ms. RIVERS, Mr. WAXMAN, Mr. BROWN of California, Ms. ESHOO, and Ms. ROYBAL-ALLARD.

H.R. 682: Mr. BREWSTER, Mr. CRANE, and Mr. BURTON of Indiana.

H.R. 697: Mr. ALLARD.

H.R. 721: Ms. DELAURO and Mr. PORTER.

H.R. 726: Mr. KANJORSKI, Mr. FILNER, Ms. ESHOO, Mr. DEAL of Georgia, Mr. SISISKY, and Mr. SENSENBRENNER.

H.R. 733: Mr. RAMSTAD, Mr. BARCIA of Michigan, Mr. LINDER, Ms. LOFGREN, Mr. SMITH of Texas, and Mrs. JOHNSON of Connecticut.

H.R. 734: Mr. BARCIA of Michigan, Mr. LINDER, Ms. LOFGREN, Mr. SMITH of Texas, and Mrs. JOHNSON of Connecticut.

H.R. 763: Mr. PETE GEREN of Texas, Mr. BEILENSON, Mr. LEACH, Mr. FIELDS of Texas, Mr. ENGLISH of Pennsylvania, Mr. GENE GREEN of Texas, Mr. HORN, Mr. PICKETT, Mr. DAVIS, Mr. MARKEY, Mr. DORNAN, Mr. SHAW, Mr. BOUCHER, Mr. SISISKY, Mr. SHAYS, Mr. FALEOMAVAEGA, Mr. DINGELL, Mr. MOAKLEY, Mr. BACHUS, and Mr. WICKER.

H.R. 782: Mr. DAVIS, Mrs. MORELLA, Mr. BARTLETT of Maryland, and Mr. MORAN.

H.R. 788: Mr. SOUDER and Mrs. WALDHOLTZ.

H.R. 789: Mr. ALLARD.

H.R. 795: Mr. HERGER.

H.R. 800: Mr. GUTKNECHT, Mr. RIGGS, and Mr. WICKER.

H.R. 804: Mr. SOUDER and Mr. BARTLETT of Maryland.

H.R. 833: Mr. LEACH and Mr. TOWNS.

H.R. 861: Mr. COLEMAN and Mr. BILBRAY.

H.R. 873: Mr. STEARNS, Mr. CHRYSLER, Mr. WICKER, Mr. BROWN of Ohio, Mrs. SMITH of Washington, Mr. FAWELL, and Mr. MEEHAN.

H.R. 949: Mr. FUNDERBURK and Mr. JACOBS.

H.R. 952: Mr. CANADY, Mr. MINGE, Mr. SENSENBRENNER, Mr. KOLBE, Mr. WELDON of Pennsylvania, and Mr. SMITH of New Jersey.

H.R. 963: Mr. GOSS, Mr. ROTH, Mr. FROST, Mr. GENE GREEN of Texas, Mrs. FOWLER, Mr. LIPINSKI, Mr. CUNNINGHAM, Mr. SENSENBRENNER, Mr. SAXTON, and Mr. HANCOCK.

H.R. 971: Mr. STARK.

H.R. 1015: Mr. NEUMANN.

H.R. 1043: Mr. PETE GEREN of Texas, Mr. MORAN, Mr. LATOURETTE, Mr. WICKER, and Mr. OLVER.

H.J. Res. 52: Ms. WOOLSEY.

H.J. Res 61: Mr. COBLE, Mr. GALLEGLY, Mrs. VUCANOVICH, Mr. SOLOMON, Mr. QUILLEN, Mr.

KNOLLENBERG, Mr. BARTON of Texas, Mr. BAKER of California, Mr. LAHOOD, Mr. DOOLITTLE, Mr. JONES, Mr. BARR, Mr. WICKER, Mr. TATE, Mr. KINGSTON, Mr. EWING, Mr. WELLER, Mr. STEARNS, Mr. MOORHEAD, Mr. SHUSTER, and Mrs. SEASTRAND.

H. Con. Res. 12: Mr. BROWNBACK, Mr. TALENT, Mr. COX, and Mr. ABERCROMBIE.

H. Con. Res. 28: Mr. CONYERS.

H. Con. Res. 31: Mr. ZIMMER, Mr. FRANK of Massachusetts, Mr. SCHUMER, Mr. GENE GREEN of Texas, Mr. ANDREWS, Mr. PALLONE, Mr. MEEHAN, and Mr. RANGEL.

H. Res. 56: Mr. FOLEY.

H. Res. 80: Mr. FILNER, Mr. GORDON, Mr. HOLDEN, and Mr. BROWN of Ohio.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 925

OFFERED BY: MR. FATTAH

AMENDMENT NO. 1. Page 2, line 8, after the period insert ''The Federal Government may, in a civil action, obtain equitable contribution toward the payment of any compensation required under this Act from any property owners the value of whose property was increased by the agency action that gave rise to the right to that compensation.''.

H.R. 925

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 2, line 5, strike ''10'' and insert ''25''.

H.R. 925

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: Page 5, after line 8, insert the following:

SEC. . DUTY OF NOTICE TO OWNERS.

Whenever an agency takes an agency action limiting the use of private property, the agency shall give notice to the owners of that property explaining their rights under this Act and the procedures for obtaining any compensation that may be due to them under this Act.

Redesignate succeeding sections accordingly.

H.R. 925

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: Page 4, strike lines 6 through 21.

H.R. 925

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 5: Page 2, lines 12 and 13, change the heading to read:

''(a) CIRCUMSTANCES IN WHICH NO COMPENSATION SHALL BE AWARDED.—''

Page 2, after line 19, add the following:

''No compensation shall be made under this Act with respect to an agency action which is reasonably related to or in furtherance of the purposes of any law enacted by Congress, unless such law is determined to be in violation of the United States Constitution.''

Page 4, strike lines 6 through 21.

H.R. 926

OFFERED BY: MR. EWING

AMENDMENT NO. 1: Page 2, line 11, strike ''180 days'' and insert ''one year'', in line 24, strike ''(2)(A)'' and all that follows through ''(B)'' in line 4 on page 3, and in line 8 on page 3, strike ''180 days'' and insert ''one year''.

H.R. 926

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 15, line 22, strike ''and'', in line 3 on page 16 strike the period and insert ''; and'', and add after line 3 the following:

''(D) any regulation proposed or issued in connection with imposing trade sanctions against any country that engages in illegal trade activities against the United States that are injurious to American technology, jobs, pensions, or general economic well-being.

H.R. 926

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: Page 15, line 22, strike ''and'', in line 3 on page 16 strike the period and insert ''; and'', and add after line 3 the following:

''(D) any regulation proposed or issued in connection with ensuring the collection of taxes from a subsidiary of a foreign company doing business in the United States.

H.R. 926

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 4: On page 6, line 16, strike the period and insert the following new language:

''(4) SPECIAL RULE.—No proposed rules issued by an appropriate federal banking agency (as that term is defined in section 3(q) of the Federal Deposit Insurance Act (12 U.S.C. 1813(q)), the National Credit Union Administration, or the Office of Federal Housing Enterprise Oversight, shall be subject to the requirements of this subsection.''

H.R. 1022

OFFERED BY: MR. BARTON OF TEXAS

AMENDMENT NO. 5: Page 36, after line 2, insert the following new title, redesignate title VI as title VII, and redesignate section 601 on page 36, line 4, as section 701:

TITLE VI—PETITION PROCESS

SEC. 601. PETITION PROCESS.

(2) PURPOSE.—The purpose of this section is to provide an accelerated process for the review of Federal programs designated to protect human health, safety, or the environment and to revise rules and program elements where possible to achieve substantially equivalent protection of human health, safety or the environment at a substantially lower cost of compliance or in a more flexible manner.

(b) ACCELERATED PROCESS FOR CERTAIN PETITIONS.—Within 1 year after the date of enactment of this Act, the head of each Federal agency administering any program designed to protect human health, safety, or the environment shall establish accelerated procedures for accepting and considering petitions for the review of any rule or program element promulgated prior to the effective date of this Act which is part of such program, if the annual costs of compliance with such rule or program element are at least $25,000,000.

(c) WHO MAY SUBMIT PETITIONS.—Any person who demonstrates that he or she is affected by a rule or program element referred to in subsection (b) may submit a petition under this section.

(d) CONTENTS OF PETITIONS.—Each petition submitted under this section shall include adequate supporting documentation, including, where appropriate, the following:

(1) New studies or other relevant information that provide the basis for a proposed revision of a risk assessment or risk characterization used as a basis of a rule or program element.

(2) Information documenting the costs of compliance with any rule or program element which is the subject of the petition and information demonstrating that a revision could achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but at a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities. Such documentation may include information concerning investments and

other actions taken by persons subject to the rule or program element in good faith to comply.

(e) DEADLINES FOR AGENCY RESPONSE.—Each agency head receiving petitions under this section shall assemble and review all such petitions received during the 6-month period commencing upon the promulgation of procedures under subsection (b) and during 15 successive 6-month periods thereafter. Not later than 180 days after the expiration of each such review period, the agency head shall complete the review of such petitions, make a determination under subsection (f) to accept or to reject each such petition, and establish a schedule and priorities for taking final action under subsection (g) with respect to each accepted petition. For petitions accepted for consideration under this section, the schedule shall provide for final action under subsection (g) within 18 months after the expiration of each such 180-day period and may provide for consolidation of reasonably related petitions. The schedule and priorities shall be based on the potential to more efficiently focus national economic resources within Federal regulatory programs designed to protect human health, safety, or the environment on the most important priorities and on such other factors as such Federal agency considers appropriate.

(f) CRITERIA FOR ACCEPTANCE OF PETITIONS.—

(1) IN GENERAL.—An agency head shall accept a petition for consideration under this section if the petition meets the applicable requirements of subsections (b), (c), and (d) and if there is a reasonable likelihood that the revision requested in the petition would achieve protection of human health, safety or the environment substantially equivalent to that achieved by the rule or program element concerned but a substantially lower cost of compliance or in a manner which provides more flexibility to States, local, or tribal governments, or regulated entities.

(2) FINAL AGENCY ACTION.—If the agency head rejects the petition, the agency head shall publish the reasons for doing so in the Federal Register. Any petition rejected for consideration under this section may be considered by the agency under any other applicable procedures, but a rejection of a petition under this section shall be considered final agency action.

(3) CONSIDERATION.—In determining whether to accept or reject a petition with respect to any rule or program element, the agency shall take into account any information provided by the petitioner concerning costs incurred in complying with the rule or program element prior to the date of the petition and the costs that could be incurred by changing the rule or program element as proposed in the petition.

(g) FINAL AGENCY ACTION.—In accordance with the schedule established under subsection (e), and after notice and opportunity for comment, the agency head shall take final action regarding petitions accepted under subsection (f) by either revising a rule or program element or determining not to make any such revision. When reviewing any final agency action under this subsection, the court shall hold unlawful and set aside the agency action if found to be unsupported by substantial evidence.

(h) OTHER PROCEDURES REMAIN AVAILABLE.—Nothing in this section shall be construed to preclude the review or revision of any risk characterization document, risk assessment document, rule or program element at any time under any other procedures.

SEC. 602. REVIEWS OF HEALTH EFFECTS VALUES.

Within 5 years after the enactment of this Act, the Administrator of the Environmental Protection Agency shall review each health or environmental effects value placed, before the effective date of title I, on the Integrated Risk Information System (IRIS) Database maintained by the Agency and revise such value to comply with the provisions of title I.

SEC. 603. DEFINITIONS.

As used in this title:

(1) The term ''Federal agency'' has the same meaning as when used in section 110.

(2) The terms ''rule'' and ''program element'' shall include reasonably related provisions of the Code of Federal Regulations and any guidance, including protocols of general applicability establishing policy regarding risk assessment or risk characterization, but shall not include any permit or license or any regulation or other action by an agency to authorize or approve any individual substance or product.

H.R. 1022

OFFERED BY: MR. COOLEY

AMENDMENT NO. 6: Page 4, after line 18, insert after section 3(4) the following new paragraph (5):

(5) An action under any regulatory program designed to protect human health, safety, or the environment under any Federal law for which appropriations are not specifically and explicitly authorized for the fiscal year in which the action is taken, except that this Act applies to such action after the first date on which there has been enacted after the date of the enactment of this Act a law authorizing appropriations to carry out that Federal law.

H.R. 1022

OFFERED BY: MR. COOLEY

AMENDMENT NO. 7: At the end of the bill (page 37, after line 13), add the following new title:

TITLE VII—REGULATORY PROHIBITION

SEC. 701. REGULATORY PROHIBITION.

A Federal agency may not take any regulatory action under a program designed to protect human health, safety, or the environment under any Federal law for which appropriations are not specifically and explicitly authorized for the fiscal year in which the action is taken.

H.R. 1022

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 8: Page 27, line 4, after the period insert: ''Such analysis shall include consideration of the impacts on future generations.''.

H.R. 1022

OFFERED BY: MR. HAYES OF LOUISIANA

AMENDMENT NO. 9: Page 4, line 4, insert ''(a) EXCLUSIONS.—'' before ''This Act'' in the matter preceeding section 3(1).

Page 4, after line 18, insert the following new subsection (b) of section 3:

(b) SAVINGS PROVISION.—The provisions of this Act shall be supplemental to any other provisions of law relating to risk assessments, risk characterizations, or decision criteria for rulemaking, except that nothing in this Act shall be construed to modify any statutory standard or statutory requirement designed to protect health, safety, or the environment. Nothing in this Act shall be interpreted to preclude the consideration of any data or the calculation of any estimate to more fully describe or analyze risk to provide examples of scientific uncertainty or variability. Nothing in this Act shall be construed to require the disclosure of any trade secret or other confidential information.

Strike section 103(c) (page 12, line 18 through page 13, line 4).

Strike section 202(b)(1) (page 29, lines 18 through 23) and strike ''(2) SUBSTANTIAL EVIDENCE.—'' in section 202(b) (page 29, line 24).

H.R. 1022

OFFERED BY: MR. HAYES

AMENDMENT NO. 10: Strike clause (iii) of section 103(b)(2)(B) (page 8, lines 9 through 13) and redesignate clauses (iv), (v), and (vi) of such section as clauses (iii), (iv), and (v).

H.R. 1022

OFFERED BY: MR. ROEMER

AMENDMENT NO. 11: Strike section 401 (page 34, lines 2 through 19) and insert the following:

SEC. 401. JUDICIAL REVIEW.

Nothing in this Act creates any right to judicial or administrative review, nor creates any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person. If an agency action is subject to judicial or administrative review under any other provision of law, the adequacy of any certification or other document prepared pursuant to this Act, and any alleged failure to comply with this Act, may not be used as grounds for affecting or invalidating such agency action, but statements and information prepared pursuant to this title which are otherwise part of the record may be considered as part of the record for the judicial or administrative review conducted under such other provision of law.

Strike section 202(b)(2) (page 29, line 24 through page 30, line 6) relating to substantial evidence and strike ''(1) IN GENERAL.—'' in section 202(b) (page 29, line 18).

H.R. 1022

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 12: Page 5, after line 18, insert the following new section:

SEC. 5. AVAILABILITY OF INFORMATION AMONG FEDERAL AGENCIES

Covered Federal agencies shall make existing databases and information developed under this Act available to other Federal agencies, subject to applicable confidentiality requirements, for the purpose of meeting the requirements of this Act. Within 15 months after the date of enactment of this Act, the President shall issue guidelines for Federal agencies to comply with this section.

H.R. 1022

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 13: At the end of section 106 (page 18, line 25), add after the period the following:

For purposes of this section, the term ''non-United States-based entity'' means—

(1) an entity that is incorporated outside the United States and has its principal place of business outside the United States; or

(2) the United Nations or any of its divisions.

H.R. 1022

OFFERED BY: MR. VENTO

AMENDMENT NO. 14: Page 12, strike lines 3, 4 and 5.