

COMPREHENSIVE REGULATORY
REFORM ACT

Mr. THURMOND. Mr. President, I rise today in support of S. 343, the Comprehensive Regulatory Reform Act of 1995. Regulatory reform is a critical issue which the Congress should act on promptly in order to significantly benefit our Nation.

When unnecessary regulations are avoided or eliminated, American production will be more competitive and provide more jobs for American workers. With true regulatory reform, American consumers will have more choices at lower prices.

We all are concerned that the health and safety of Americans not be compromised. By using more common sense, however, our Nation can achieve the same level of health and safety at far lower costs. Avoiding unnecessary regulations frees up our economic resources to be used for more important purposes. Every billion dollars saved by avoiding wasteful regulations is a billion dollars that the private sector can invest in new enterprises and new jobs. This will generate additional revenues to bolster our national defense, education, crime reduction, and other priorities.

The principle of applying cost-benefit analysis and risk assessment to Government regulations is hard to seriously dispute. It is based on the simple concept that the Government should not impose rules and regulations unless the benefits justify all the costs. The legislation which we are now considering has been through numerous drafts and compromises in order to achieve this purpose.

The bill articulates standards by which the costs and benefits of regulations are to be compared, and provides for judicial review of actions by the Government. The bill applies not only to new regulations as they are formulated, but also to existing rules. The legislation applies to relatively large regulations, which impose substantial costs. Importantly, risk assessments are standardized and must rely on the best available science.

Mr. President, it is my belief that the principles in S. 343 are vital for this Nation. Great effort has been put forth to bring the bill to this point, and everyone involved in moving this bill forward deserves our thanks.

For all of these reasons, I urge my colleagues to support this regulatory reform legislation.

In closing, Mr. President, I wish to commend the able Senator from Texas [Mrs. HUTCHISON] for the great job she has done on this important matter, which will be of such benefit to our Nation.

I yield the floor.

FEDERAL OVERREGULATION

Mrs. HUTCHISON. Thank you, Mr. President. I want to commend the senior Senator from South Carolina and

also the dean of the Senate for the statement that he made.

Senator THURMOND has been in this Senate a long time. He has seen the evolution of the regulations that have come as a result of the laws that are passed by Congress.

I think the Senator from South Carolina is saying that the regulators have gone far beyond congressional intent. He believes, as I do, that we must bring back the regulators, tell them what our congressional intent is, and try to bring some balance into the system.

I thank the senior Senator from South Carolina for his leadership in this area and appreciate very much that, with his long experience, he would weigh in on behalf of this bill. In fact, it is a very important bill.

One issue about which all Members have heard from our constituents over and over again is the need for fundamental reform of the tortured and increasingly tangled web of Federal overregulation.

Congress passes laws. We delegate their implementation to regulators. If the regulators do not do what is envisioned by Congress, it is our responsibility to step in.

In recent months, I have spoken on the floor of the Senate offering examples of Federal Government overregulation and unintended consequences of regulatory excess that puts Americans out of work. It usurps our constitutional rights. It saps our productivity. It saps our economic competitiveness.

Americans have a right to expect their Government to work for them, not against them. Instead, Americans have to fight their Government in order to drive their cars, graze cattle on their ranches, or operate their small businesses in a reasonable, common-sense manner.

I hear this every time I go home, or when I go to other States. The people of this country are tired of the harassment of their Government, and I think that was the message they sent in November 1994.

The legislation before the Senate today provides lawmakers with a tool for ensuring that Federal agencies are carrying out Congress' regulatory intent properly and within the confines of Congress and no farther. Agencies have gotten into the habit of issuing regulations which go far beyond the intended purpose of the authorizing legislation. This bill is simply an extension of the system of checks and balances which has served our country so well for more than two centuries.

Senator THURMOND has not been here for all two centuries, but we all know that it has gotten out of whack since Senator THURMOND has been in this Senate, and most certainly in the last 10 years, or 5 years, we have seen the balance go in the wrong direction. It is time to put the balance back in our Government and the ability of our Government to regulate our people.

In November, the voters sent a message: We are tired of the arrogance of

Washington, DC. Nothing demonstrates that arrogance more than the volumes of one-size-fits-all regulations which pour out of this city and impact on the daily life of the American people.

The regulators in Washington, it seems, believe that everyone can fit into one cookie-cutter mold. They do not take into account the different situations in each business, in each State, in each city, and the things that might be affecting safety or whatever the regulation is covering in that city.

I believe the voters went to the polls because they felt harassed by their Government, the Government that issues regulations without any thought of the impact on the small businesses of this country.

You just do not feel the pinch of being a small business person unless you have been there, unless you have lived with the regulations and the mandates and the taxes that our small business people live with every day.

Our small business people, Mr. President, are the economic engine of this country. Government is not the economic engine of America. Small business is. They create 80 percent of the new jobs in this country. Sometimes they feel like their Government is trying to keep them from growing and prospering and creating new jobs.

If they do not grow and prosper and create new jobs, how are we going to absorb the new people coming into our economic system, the young people graduating from college, the immigrants who are coming into our country? How are we going to absorb them if we continue to force our small businesses to put money into regulatory compliance and redtape and filling out forms, instead of into the business to buy new machines that create new jobs. That is the issue we are talking about today.

When I meet with small business people, men and women across our country, complaints about excessive Federal regulations are always at the top of their list. In fact, a few weeks ago the White House hosted a conference on small business and, according to those with whom I spoke who went to the conference, no one issue and no one agency energized the participants more than the need for comprehensive regulatory reform.

They talk about taxes, yes. But, mostly, those small business people say, "If you will get the regulations off our backs so we can compete, that's when we will be able to throw the shackles off and grow and prosper and create the new jobs for our country."

So, Mr. President, I am proud to be a cosponsor of the Comprehensive Regulatory Reform Act of 1995. This bill is necessary to get the regulatory process under control. The Republican majority of this Congress recognizes that the problems that business owners face are hurting our country and we are committed to doing something about it. We are committed to regulatory reform legislation that will establish a flexible

decisionmaking framework for Federal agents, so they know what the parameters are. We need to make our congressional intent very clear.

Some of the regulators might have gotten out of control unwittingly. Maybe we were not clear enough. Congress has passed broad, general sorts of guidelines in the past. Maybe it is time we pass laws that are specific, so the regulators have no doubts. I think that is our responsibility, and this bill will take a step in that direction.

We need to increase public participation in the regulatory decisionmaking process. That is what this bill will do. It will bring in peer groups to talk about the effects of the regulations so the regulators will know if there is a scientific basis for this regulation, if we really need it, how does it affect the workplace, the marketplace, worker safety, worker harassment—that is what this bill will speak to.

It will require political and judicial accountability. If you do not have judicial accountability, there will not be any teeth in this law. So we will have the ability to have judicial review, to see if the regulation meets the test of the law that is passed.

This bill will require the regulators to ask and answer the questions, "Is the regulation worth the cost?" And, "Does this approach maximize the benefits to society as a whole?" That is what the basic concept of this bill is.

We have heard a lot about food safety. That is something the press has really talked about in the last couple of days. They have shown meatpacking plants and talked about the E. coli virus and the things that might happen if we have regulatory reform that will require the things we are talking about.

The fact is, food safety is exempt from this bill. It is not spoken to. It is exempt because no one wants to worry about the safety of our food. So it is very important, as we look at the press that is going to be coming out of this bill, that we realize there are some very important exceptions because we want to make sure we do not do something that is going to hurt the health or welfare of the people of this country.

No, the Regulatory Reform Act of 1995 is trying to put balance and common sense back into the system. We have survived in this country for 2 centuries with a balanced approach. It is only in the last 5 or 10 years that we have gone so far in the direction of excesses that we must now say to our business people, "We are going to try to put some common sense into this equation. We are going to put people ahead of blind salamanders." That is the purpose of this act.

The key principle embodied in this bill is cost-benefit analysis. Is it worth it? The premise is simple. Before an agency promulgates a regulation, it systematically measures the benefits of the regulation and compares those benefits to the costs. This analysis allows a full and complete understanding

of the regulatory burden imposed on consumers by the Federal Government. Is the price increase, necessitated by the regulation, to people who are in the grocery store, worth the benefit to be gained? And, further, will the benefit actually be gained? That is a question that is not asked. Will the regulation actually achieve the purpose that it is supposed to achieve? That is a very important, basic concept, and that is what a cost-benefit analysis does.

I want to talk more about cost-benefit analysis because there have been some studies done that show that we can spend \$900 million to possibly save one life when we could take the same \$900 million and assure that we would save hundreds of lives in other ways. So it becomes a matter of how we spend our resources. How will it benefit the most people? And that is what bringing common sense into the system will do.

Risk assessment is an important complement to cost-benefit analysis. The problem with the current regulatory process is that it often focuses on minor risks while ignoring far greater threats to public health and safety. There are many risks to public health and, without effective risk assessment, funds available to address these risks will be needlessly squandered on questionable programs that do little to really promote public health and safety and environmental protection.

In my home State of Texas we had the incredible experience of having a new mandate put on the citizens of Dallas and Houston and El Paso and Beaumont—cities that were in non-attainment areas for air quality, cities that are trying desperately to do something about it. El Paso has tried in every way to clean its air. But, because there is smoke coming across the border from Juarez, they are not able to do anything. And it is not their fault.

Nevertheless, they were put under a mandate to have a vehicles emissions test by a certain specific machine that would possibly, we are told, have cleaned the air maybe 0.5 percent—maybe, rather than with other types of machines that are much cheaper, that would not have required the hassle to every consumer in those cities, and which would have done much the same but at much less cost. And it was not even proven that was the only machine that would be able to detect these emissions. Yet we had the requirement that we had to go to certain centers with just that machine, and the cost was in the hundreds of millions of dollars to the consumers of Texas. We were faced with doing that because of dealing with the EPA and not being able to have the flexibility to do what we could in a cost-beneficial manner.

We are all trying to clean up the air. Of course, we are. But how much is going to be the cost to possibly get a 0.5-percent benefit to the air quality? And we are not even sure that it was necessary just to have that one ma-

chine. We find that there are also infrared rays that will pick up at an entry ramp the emissions that do not meet the test. We have an experiment that is in the works right now that would give us the ability to buy some time and in a much more cost-efficient way with much less hassle for the consumers of the cities all across America that are in the noncontainment areas. We could have something just as effective for them at a much less cost. That is what risk assessment and cost-benefit analysis will do for our country and for the regulators.

Judicial review. Without judicial review, there is no way to ensure that the Federal agencies will use the risk assessment and the cost-benefit analysis to write the regulations. I mean, that is what we have to have. We have to have the leverage that is out there so that we will be able to go to the judges and say, "Did we meet the standard that is required under the law?" And Congress is being specific about congressional intent.

Good science, open science. It is important that we have the scientific basis for these regulations because we do not know for sure in many instances that there really is good, sound science in the sunshine in the regulations that are put forth.

This we assured in the bill with peer review. In most cases today, the scientific and technical assessment on which regulations are based are not subjected to independent external peer review. As a result, the scientific and technical underpinnings of agency actions that may have enormous consequences often are not adequately tested. Regulation reform is necessary to assure that there will be an independent external peer review. We can get many of the scientists that understand these issues to be on a peer review panel to make sure that we have the ability to say absolutely for certain this regulation will accomplish what it is intended to accomplish. So regulation reform will reduce the burden of unnecessary Federal regulation.

Requiring cost-benefit analysis, risk assessment, judicial review, and the threat of congressional action will go a long way toward ensuring common sense in the promulgation of Federal regulations.

There will be the ability in this bill for Congress to have 60 days to review any regulation and turn it back. That is a very important point. It is very important that Congress will be able to come in and say to regulators that they have gone beyond what we intended. That is the ultimate responsibility of Congress, and it is one that we must take.

So, Mr. President, we are beginning now to set the framework in this debate. There has been a lot of hot air in the last week about what might happen if we do not have this ability to come in and put checks on the system. A lot has been said about what will happen if

we put some checks and balances in the system.

Mr. President, I think this is a great step for the small business people of this country, and I am proud that the sponsors of the bill have done such a terrific job on a bipartisan basis to help the small business people of our country compete.

Mr. President, I will stop here because I know that at 9:45 they are going to propose another amendment. But I just want to thank the managers of the bill, the sponsors of the bill, and the leadership for taking this very important step to free our businesses to compete in the international marketplace and for our small businesses to be able to grow and prosper and create the jobs that are going to keep this economy vital for the new people and to keep the young people graduating from high school and college employed. That is the goal, Mr. President.

I thank the Chair. I yield the floor.

HONORING THE HUMANITARIAN EFFORTS OF PAUL H. HENSON

Mr. ASHCROFT. Mr. President, today I am proud to honor a man who has distinguished himself in business, as a civic leader, a caring neighbor, and a friend to those in need. Mr. Paul H. Henson will soon be awarded the International Humanitarian Award by the CARE Foundation at its 50th Anniversary International Humanitarian Award dinner. Mr. Henson was nominated for the award for his sustained support of humanitarian causes, for his community foresight, and for his business ingenuity. It is with much pleasure that I add my voice to the scores of others praising Mr. Henson for his efforts to aid the world's poor and help them achieve social and economic well-being.

Mr. Henson began his successful career in the telecommunications industry as a groundman for the Lincoln Telephone Co., in his native State of Nebraska. After attaining the position of chief engineer, Mr. Henson moved to United Telecom—now Sprint—in Kansas City. In 1964, at the age of 38, he became president of United and began to implement an aggressive leadership and expansion strategy to transform the predominantly rural telephone company into an international communications force. Henson presided over the construction of the first—and still the only—nationwide 100 percent digital, fiber-optic network and made it the centerpiece of the company's long-distance strategy. After his leadership of Sprint for 25 years, the company now claims over 6 million local telephone customers, 97 percent of which are digitally switched.

Mr. Henson currently serves as chairman of the board and chairman of the executive committee of Kansas City Southern Industries, Inc. He has also formed Kansas City Equity Partners, L.C., a venture capital fund dedicated to providing seed capital and manage-

ment assistance for entrepreneurial activities.

Paul H. Henson's distinguished business career and his reinvestment in the community through support of the humanitarian initiatives championed by the CARE Foundation have rightly earned him the distinction of being awarded the Foundation's International Humanitarian Award.

IN MEMORY OF WHITE EAGLE

Mr. PRESSLER. Mr. President, last Friday, the operatic tenor White Eagle passed away at age 43. My wife, Harriet and I join with countless others from around the world in expressing our condolences to his friends and family. Our Nation has lost an exemplary individual who had an extraordinary voice.

White Eagle was a Lakota. His Lakota name was Wanbli ska. He first sang in public in his father's church. He was only 5 years old. It was the voice of the great Mario Lanza that inspired the young White Eagle to become an opera singer. In 1985, he graduated from the Merola Opera Program at the San Francisco Opera. He went on to perform with the Pennsylvania Opera Theater, the Florentine Opera, the Western Opera Theater, the Cleveland Opera, and the Skylight Comic Opera.

Many of my friends and colleagues here in Washington should remember well White Eagle's rich tenor voice. In 1989, White Eagle performed the finale at the Inaugural Gala for President George Bush. Two years later, the President and I had the opportunity to hear and appreciate his extraordinary talent at the Golden Anniversary of the Mount Rushmore National Memorial. And in 1993, he debuted in Carnegie Hall, and was inducted into the South Dakota Hall of Fame as Artist of the Year.

I am pleased that a scholarship fund has been established in his name. It is a fitting remembrance of his spirit, his leadership, and his legacy as a role model for native American youth.

It is said that a man's talents are a mere extension of his soul. That is certainly true of White Eagle. The strength, the beauty, and the richness of his voice were a reflection of his character, and the values of the Lakota Sioux—the values of bravery, integrity, wisdom, determination, and generosity. His voice moved us all.

Mr. President, White Eagle exemplified those values yet again when, in 1990, he was diagnosed with AIDS. After he made his illness public, he became a tireless advocate for AIDS awareness. His role as advocate was equal to his role as artist, because through his voice, through his message, he brought people together. His last years are a reminder to each of us of the capacity in ourselves to reach out to family and friends in times of human struggle and suffering.

White Eagle left us in the manner he lived among us—with dignity and brav-

ery. He has left us richer for his courage and perseverance. For all the extraordinary gifts he possessed and shared with us, we are grateful. We will miss him.

ONE HUNDRED AND TWENTY-FIVE YEARS OF COPYRIGHT IN THE LIBRARY OF CONGRESS

Mr. HATCH. Mr. President, I rise today to recognize the 125th anniversary of the act of 1870 which established our first central national copyright registration and deposit system by bringing it into the Library of Congress. Last Saturday marked the anniversary of the act being signed into law and today Librarian of Congress James Billington and Register of Copyrights Marybeth Peters are hosting a program to honor the employees of the Copyright Office for the work they do both for our national copyright system and the Library.

Article I of the Constitution grants Congress the power to "promote Science * * *", or knowledge, by granting authors, for a limited time, exclusive rights in their writings. The intent of the Framers was to increase the knowledge of the people by encouraging authors to create works. The first copyright law, enacted in 1790, reflected that purpose in its title: "An act for the Encouragement of Learning * * *". The 1790 act also established a system of copyright registration where a person wishing to register a work did so in the nearest Federal court and sent a copy of the work to the Secretary of State in the Nation's Capital.

The registration statute changed somewhat after 1790, but it was not until 1870 that Congress passed legislation which established the Library of Congress as the first central agency which would both perform the copyright registration function and serve as the custodian of copyright deposits in the United States.

The 1870 act allowed for a national system of copyright registration with improved efficiency for the Federal Government, for authors and artists, and for publishers. Works submitted for copyright registration were sent to one location and could be carefully recorded and cataloged. For the first time, a copy could be used as both a record of registration and as a resource available to future generations of Americans.

In addition to strengthening our copyright registration system, the 1870 act also ensured that the Library of Congress would be the recipient of the tremendous amount of material submitted for copyright registration. The 1870 act put the Library on a path to becoming the greatest repository of knowledge in the world. To this day, the Library relies on the works it receives through copyright.

The Copyright Office, a part of the Library, provides Congress with non-partisan analysis of copyright law and implements all aspects of this law. It