

HARKIN, Mr. HATCH, Mr. HATFIELD, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mr. JOHNSTON, Mrs. KASSEBAUM, Mr. KEMPTHORNE, Mr. KENNEDY, Mr. KERREY, Mr. KERRY, Mr. KOHL, Mr. KYL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mrs. MURRAY, Mr. NICKLES, Mr. NUNN, Mr. PACKWOOD, Mr. PELL, Mr. PRESSLER, Mr. PRYOR, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SANTORUM, Mr. SARBANES, Mr. SHELBY, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Mr. STEVENS, Mr. THOMAS, Mr. THOMPSON, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 157

Whereas, the Honorable Robert C. Byrd has served with distinction and commitment as a U.S. Senator from the State of West Virginia since January 3, 1959;

Whereas, he has dutifully and faithfully served the Senate six years as Senate Majority Leader (1977-80, 1987-88) and six years as the Senate Minority Leader (1981-1986);

Whereas, his dedicated service as a U.S. Senator has contributed to the effectiveness and betterment of this institution;

Whereas, he is one of only three U.S. Senators in American history who has been elected to seven 6-year terms in the Senate;

Whereas, he has held more Senate leadership positions than any other Senator in history: Now, therefore, be it

Resolved, That the U.S. Senate congratulates the Honorable Robert C. Byrd, the senior Senator from West Virginia, for becoming the first U.S. Senator in history to cast 14,000 votes.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Robert C. Byrd.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

CHAFEE AMENDMENTS NOS. 1861-1870

(Ordered to lie on the table.)

Mr. CHAFEE submitted 10 amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

AMENDMENT No. 1861

On page 8, strike paragraph (4) (lines 11 through 13) and insert the following:

“(4) an explanation of the factual conclusions upon which the rule is based; and”.

AMENDMENT No. 1862

On page 11, strike lines 2 through 10 and insert the following: “give an interested person the right to petition for the issuance, amendment, or repeal of a rule.”.

AMENDMENT No. 1863

On page 30, at the end of line 22, add the following: “The court shall, to the extent practicable, consolidate all petitions with re-

spect to a particular action into one proceeding for that action.”.

AMENDMENT No. 1864

On page 34, strike subsection (i) with respect to termination of rules (lines 20 through 25) and insert the following:

“(i) COMPLETION OF REVIEW.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).”.

AMENDMENT No. 1865

Beginning on page 35, strike subsections (a), (b) and (c) of section 624 (page 35, line 10, through page 38, line 5) as modified by the Dole Amendment No. 1496 and insert the following:

“(a) CONSTRUCTION WITH OTHER LAWS.—The requirements of this section shall supplement, and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law both with a requirement of this section and any requirement of the statute authorizing the rule, such requirement of this section shall not apply to the rule.

“(b) REQUIREMENTS.—Except as provided in subsection (c), no final major rule subject to this subchapter shall be promulgated unless the agency head publishes in the Federal Register a finding that—

“(1) the benefits from the rule justify the costs of the rule;

“(2) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

“(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

“(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may (and if the agency head has a non-discretionary duty to issue a rule, shall) promulgate the rule, if the agency head finds that—

“(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

“(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute.”.

AMENDMENT No. 1866

On page 39, lines 12 and 13, strike “may be considered by the court solely for the purpose of” and insert in lieu thereof the following: “may not be considered by the court except for the purpose of”.

AMENDMENT No. 1867

On page 39, strike subsection (e) with respect to interlocutory review (page 39, line 18, through page 40, line 7) as modified by the Nunn Amendment No. 1491.

AMENDMENT No. 1868

Strike section 636 with respect to deadlines for rulemaking (page 40, line 8 through page 41, line 12) and insert the following:

“§ 626. Deadlines for Rulemaking

“(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or sub-

chapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.

“(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.

“(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

“(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

“(2) the date occurring 6 months after the date of the applicable deadline.”.

AMENDMENT No. 1869

On page 68, line 3, insert after “subchapter” the following: “and the requirements of section 624”.

AMENDMENT No. 1870

Beginning on page 74, strike subparagraphs (E), (F), and (G) (page 74, line 22, through page 75, line 8) and insert the following:

“(E) unsupported by substantial evidence in a proceeding subject to section 556 and 557 or otherwise reviewed on the record of an agency hearing provided by statute; or

“(F) unwarranted by the facts to the extent that the facts are subject to trial de novo by the reviewing court.”.

THE HANFORD LAND MANAGEMENT ACT

GORTON (AND OTHERS) AMENDMENT NO. 1871

(Ordered referred to the Committee on Energy and Natural Resources.)

Mr. GORTON (for himself, Mrs. MURRAY, Mr. HATFIELD, and Mr. PACKWOOD) submitted an amendment intended to be proposed by them to the bill (S. 871) to provide for the management and disposition of the Hanford Reservation, to provide for environmental management activities at the reservation, and for other purposes; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Enhanced Environmental Cleanup and Management Demonstration Act of 1995”.

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress hereby finds that—

(1) Defense Nuclear Facilities were used to produce nuclear weapons materials to defend the United States in World War II and thereafter. These facilities played a critical role in securing the defense and overall welfare of the country.

(2) Defense Nuclear Facilities are now among the most contaminated sites in the country. Many are listed on the National Priorities List compiled pursuant to the