

program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104-1.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

BAD SCIENCE AND BAD POLITICS: THE NEED FOR REGULATORY REFORM

Mr. LOTT. Mr. President, these days, just about every aspect of our daily existence is regulated in some way by the Government. And in most instances, it makes sense because we must protect human health and the environment. We would all agree that food and drugs should be inspected, work conditions should be considered and safety measures must be enacted.

On the other hand, the Federal regulatory system is notorious for producing top-down, one-size-fits-all regulations that are often inefficient and ineffective. These regulations impose tremendous costs on business and industry, increase the costs of goods and services and reduce economic growth. Most importantly, too many regulations fail in what they are trying to do.

As I look more closely at the patchwork of regulation this Government has created in the last few decades, however, I see regulation for regulation's sake. We are witnessing an eruption of regulation based on inaccurate science, poor judgment, and bad politics. Most shocking is the fundamental lack of trust in the ability of the American people to take responsibility for their own actions.

I think it's time we returned to the basics, Mr. President. The central goal of regulating is to significantly protect human health, safety or the environment. When held to this standard, many regulations fall short of the mark. So how do we get from here to there?

First, agencies must begin issuing regulations based on sound science. This means one thing—that any Federal regulation issued must be justified by solid science. This principle sounds very simple, but many agencies have become obsessed with the power to regulate, forgetting that there must be sound scientific reasoning behind their action.

The time has come to raise the level of debate. No longer can agencies be allowed to dream up and order a regulation without genuine oversight or input from the outside scientific world. I know that the more informed Congress is about an issue, the better public policy decision we will make. The same should be true of regulatory agencies. With so many experts in the academic, Federal and private sectors, it is a shame to limit the scope of debate to one elite group of scientists. I have heard some agencies claim that their rulemakings are indeed reviewed by outside experts, but a closer look reveals that these objective scientists are not completely independent. I do not think it unreasonable to ask that there be some consensus among truly independent outside scientific experts as to the proper course of action before issuing a rulemaking.

The bottom line is that, to effectively regulate, agencies should not issue rules based on anything but honest, peer-reviewed science. Period.

Second, agencies must learn to correctly assess risk. Beginning with sound science, agencies should look at the real world risks of a situation, recognizing that not every risk is avoidable. Sometimes I think that these agencies are on a mission to create a 100 percent risk-free, accident-free—possibly industry-free—world. They also need to acknowledge that all risks are relative. Regulating small risks can have adverse side effects, resulting in greater risks and less protection. We should focus our efforts and our resources on the greatest risks.

Agencies should also realize that exposure to a chemical doesn't automatically present a risk or indicate a cause and effect relationship. The risk associated with a given dosage level should be examined. Where exposure to a truckload of almost any toxin poses a significant risk, in most cases, an extremely diluted version may not present any danger at all. Regulators should be sensitive to risks as they relate to dosage instead of assuming that any contact with chemicals presents too great a danger. Too often, regulations are issued based on a better safe than sorry mentality. This can leave us less safe and considerably sorer.

In closing, Mr. President, I reiterate the dire need for regulatory reform. The invasive regulatory hands of Government are slowly choking the life out those whom they seek to save. Let's get back to the basics. Using sound, peer-reviewed science, agencies should make a valid assessment of real world risks and determine a solid

cause-and-effect correlation before taking action.

I am committed to enacting regulatory reform in the 105th Congress. I welcome the input and support of my fellow Senators.

AMERICAN AUTOMOBILE ASSOCIATION LIFESAVING MEDAL

Mr. LOTT. Mr. President, I am proud to announce to the Senate today the names of the four youngsters who are recipients of the 1997 American Automobile Association Lifesaving Medal.

This is the highest award given to members of school safety patrols throughout the United States. It is presented annually to students, who, while on duty took heroic lifesaving actions to save the life of a fellow student from imminent danger.

I would like to briefly describe the heroic actions of these four young citizens.

The first two honorees hail from the State of Ohio. On February 28, 1997, Leawood Elementary School Safety Patrol Captain Surlmel D. Cummings and Patrol Edwin H. Berry were assisting students on their way home. Surlmel noticed a 6-year-old boy and his 8-year-old cousin walking close to the westbound on-ramp for I-70.

The cousin was trying to prevent the 6-year-old from climbing over the guardrail next to the on-ramp. Surlmel ran over to the two boys and tried to hold the 6-year-old. The boy began hitting and kicking Surlmel. Edwin ran to help his partner. The 6-year-old broke loose from Surlmel and scrambled over the guardrail. He was now confronted by the fast-moving cars on the on-ramp. Surlmel told Edwin to try to get the 6-year-old back across the guardrail while he returned to the school to get help.

When a car driver started blowing his horn, the 6-year-old covered his ears and turned his back toward Edwin. At that moment, Edwin grabbed the 6-year-old and pulled him back across the guardrail to safety. This was a great team effort by both of these two young men.

The State of Indiana can be proud of the next honoree.

While on duty on December 6, 1996, Shambaugh Elementary School Safety Patrol Marcus A. Morgan, noticed a 6-year-old girl running alongside a van. This vehicle had just dropped her off and was pulling away from the curb. Marcus yelled for the girl to stop chasing the van, but he quickly realized the girl's string was caught in the van door. She then fell and was being dragged by the van.

Marcus raced after the van, shouting for the driver to stop. He ran to the passenger-side and banged on the window to get the driver to stop. The van kept moving so he ran to the driver-side window to get the driver's attention while a parent banged on the passenger-side window. The driver finally stopped after 54 feet. The girl was not