

¶33.3 AFTER RECESS—2:00 P.M.

The SPEAKER pro tempore, Mr. BE-REUTER, called the House to order.

¶33.4 APPROVAL OF THE JOURNAL

The SPEAKER pro tempore, Mr. BE-REUTER, announced he had examined and approved the Journal of the proceedings of Friday, February 24, 1995.

Pursuant to clause 1, rule 1, the Journal was approved.

¶33.5 COMMUNICATIONS

Executive and other communications, pursuant to clause 2, rule XXIV, were 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.

¶33.6 PROVIDING FOR THE CONSIDERATION OF H.R. 1022

Mr. DIAZ-BALART, by direction of the Committee on Rules, called up the following resolution (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.

When said resolution was considered. After debate,

On motion of Mr. DIAZ-BALART, the previous question was ordered on the resolution to its adoption or rejection.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. BE-REUTER, announced that the yeas had it.

Mr. BEILENSEN objected to the vote on the ground that a quorum was not present and not voting.

The SPEAKER pro tempore, Mr. BE-REUTER, pursuant to clause 5, rule I, announced that further proceedings on the resolution were postponed until not before 5:00 p.m.

The point of no quorum was considered as withdrawn.

¶33.7 RISK ASSESSMENT AND COST-BENEFIT

The SPEAKER pro tempore, Mr. BE-REUTER, pursuant to the order of the House of Friday, February 24 and rule XXIII, declared the House resolved 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.

The SPEAKER pro tempore, Mr. BE-REUTER, by unanimous consent, designated Mr. HASTINGS of Washington as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. MCHUGH, assumed the Chair.

When Mr. HASTINGS of Washington, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

¶33.8 H. RES. 96—UNFINISHED BUSINESS

The SPEAKER pro tempore, Mr. MCHUGH, pursuant to clause 5, rule I, announced the unfinished business to be the question on agreeing to the resolution (H. Res. 96) providing 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.

The question being put, viva voce, Will the House agree to said resolution?

The SPEAKER pro tempore, Mr. MCHUGH, announced that the yeas had it.

Mr. DINGELL objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present, The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 253
Nays 165

¶33.9 [Roll No. 175] YEAS—253

Allard	Fields (TX)	McDade
Archer	Flanagan	McHugh
Armedy	Foley	McInnis
Bachus	Forbes	McIntosh
Baker (CA)	Fowler	McKeon
Baker (LA)	Fox	Metcalf
Ballenger	Franks (CT)	Meyers
Barcia	Franks (NJ)	Mica
Barr	Frelinghuysen	Miller (FL)
Barrett (NE)	Frisa	Molinari
Bartlett	Funderburk	Montgomery
Barton	Ganske	Moorhead
Bass	Gekas	Morella
Bateman	Geren	Murtha
Bereuter	Gilchrest	Myers
Bevill	Gillmor	Myrick
Bilbray	Gilman	Nethercutt
Bilirakis	Goodlatte	Neumann
Bliley	Goodling	Ney
Blute	Gordon	Norwood
Boehlert	Goss	Nussle
Boehner	Graham	Oxley
Bonilla	Greenwood	Packard
Bono	Gunderson	Parker
Brewster	Gutknecht	Paxon
Browder	Hall (TX)	Peterson (MN)
Brownback	Hancock	Petri
Bryant (TN)	Hansen	Pickett
Bunn	Hastert	Pombo
Bunning	Hastings (WA)	Porter
Burr	Hayworth	Portman
Burton	Hefley	Pryce
Buyer	Heineman	Quillen
Callahan	Herger	Quinn
Calvert	Hillery	Radanovich
Camp	Hobson	Ramstad
Canady	Hoekstra	Regula
Castle	Hoke	Riggs
Chabot	Horn	Roberts
Chambliss	Hostettler	Rogers
Chenoweth	Houghton	Rohrabacher
Christensen	Hutchinson	Ros-Lehtinen
Chrysler	Hyde	Roth
Clinger	Inglis	Royce
Coble	Istook	Salmon
Coburn	Johnson (CT)	Sanford
Collins (GA)	Johnson, Sam	Saxton
Combest	Jones	Scarborough
Condit	Kasich	Schaefer
Cooley	Kelly	Schiff
Cox	Kim	Seastrand
Cramer	King	Sensenbrenner
Crane	Kingston	Shadegg
Crapo	Klug	Shaw
Creameans	Knollenberg	Shays
Cubin	Kolbe	Shuster
Cunningham	LaHood	Sisisky
Davis	Largent	Skeen
de la Garza	Latham	Skelton
Deal	LaTourette	Smith (MI)
DeLay	Laughlin	Smith (NJ)
Diaz-Balart	Lazio	Smith (TX)
Dickey	Leach	Smith (WA)
Doolittle	Lewis (CA)	Solomon
Dornan	Lewis (KY)	Souder
Dreier	Lightfoot	Spence
Duncan	Lincoln	Stearns
Dunn	Linder	Stenholm
Edwards	Livingston	Stockman
Ehlers	LoBiondo	Stump
Ehrlich	Longley	Talent
Emerson	Lucas	Tate
English	Manzullo	Tauzin
Ensign	Martini	Taylor (MS)
Everett	McCarthy	Taylor (NC)
Ewing	McCollum	Thomas
Fawell	McCreary	Thornberry

Tiahrt	Wamp	Williams
Torkildsen	Watts (OK)	Wolf
Torricelli	Weldon (FL)	Young (AK)
Upton	Weldon (PA)	Young (FL)
Vucanovich	Weller	Zeliff
Waldholtz	White	Zimmer
Walker	Whitfield	
Walsh		

NAYS—165

Abercrombie	Hall (OH)	Ortiz
Ackerman	Hamilton	Orton
Baessler	Harman	Owens
Baldacci	Hastings (FL)	Pallone
Barrett (WI)	Hayes	Pastor
Beilenson	Hefner	Payne (NJ)
Bentsen	Hilliard	Payne (VA)
Berman	Hinchev	Pelosi
Bishop	Holden	Peterson (FL)
Bonior	Hoyer	Pomeroy
Borski	Jackson-Lee	Poshard
Boucher	Jacobs	Rangel
Brown (CA)	Jefferson	Reed
Brown (FL)	Johnson (SD)	Reynolds
Brown (OH)	Johnson, E. B.	Richardson
Bryant (TX)	Johnston	Rivers
Cardin	Kanjorski	Roemer
Clay	Kaptur	Rose
Clayton	Kennedy (MA)	Roybal-Allard
Clement	Kennedy (RI)	Sabo
Clyburn	Kennelly	Sanders
Coleman	Kildee	Sawyer
Collins (IL)	Klecza	Schroeder
Collins (MI)	Klink	Schumer
Conyers	LaFalce	Scott
Costello	Lantos	Serrano
Coyne	Levin	Skaggs
Danner	Lewis (GA)	Slaughter
DeFazio	Lofgren	Spratt
DeLauro	Lowe	Stark
Dellums	Luther	Stokes
Deutsch	Maloney	Studds
Dicks	Manton	Stupak
Dingell	Markey	Tanner
Dixon	Martinez	Tejeda
Doggett	Mascara	Thompson
Dooley	Matsui	Thornton
Doyle	McDermott	Thurman
Durbin	McHale	Torres
Engel	McNulty	Towns
Eshoo	Meehan	Trafficant
Evans	Meek	Tucker
Farr	Menendez	Velazquez
Fattah	Miller (CA)	Vento
Fazio	Mineta	Visclosky
Fields (LA)	Minge	Volkmer
Filner	Mink	Ward
Foglietta	Moakley	Waters
Frank (MA)	Mollohan	Watt (NC)
Frost	Moran	Waxman
Furse	Nadler	Wise
Gejdenson	Neal	Woolsey
Gephardt	Oberstar	Wyden
Green	Obey	Wynn
Gutierrez	Olver	Yates

NOT VOTING—16

Andrews	Gibbons	Rahall
Becerra	Gonzalez	Roukema
Chapman	Hunter	Rush
Flake	Lipinski	Wilson
Ford	McKinney	
Gallegly	Mfume	

So the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

133.10 PROVIDING FOR THE CONSIDERATION OF H.R. 926

Mr. SOLOMON, by direction of the Committee on Rules, reported (Rept. No. 104-52) 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.

When said resolution and report were referred to the House Calendar and ordered printed.

133.11 RESOLUTION OF INQUIRY—STABILIZATION OF MEXICAN ECONOMY

Mr. LEACH, by direction of the Committee on Banking and Financial Services, reported (Rept. No. 104-53) 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 economy of Mexico.

When said resolution and report were referred to the House Calendar and ordered printed.

133.12 RISK ASSESSMENT AND COST-BENEFIT

The SPEAKER pro tempore, Mr. MCHUGH, pursuant to House Resolution 96 and rule XXIII, declared the House resolved 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.

Mr. HASTINGS of Washington, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

133.13 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment in the nature of a substitute submitted 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 Of-

fice 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.