

Bob Dole



NEWS

U.S. SENATOR FOR KANSAS

FROM:

SENATE MAJORITY LEADER

FOR IMMEDIATE RELEASE
Wednesday, June 28, 1995

Contact: Clarkson Hine
(202) 224-5358

S.343 : COMPREHENSIVE REGULATORY REFORM BILL
BIPARTISAN BILL ADDRESSES "OUT OF CONTROL" REGULATORY STATE

Today we begin consideration of regulatory reform, one of the most important and fundamental reforms that this Congress will address. No doubt about it, the American people are fed up with a regulatory state that is out of control. That was one of the messages the American people delivered last November.

The regulatory state has become so pervasive that it lies on our economy like a blanket, stifling innovation, and killing infant industries and small businesses before they get off the ground. Although the federal government has a department for just about everything else, it does not have a department of lost opportunities. And that is what this is all about -- getting the government off the backs of the American people; and letting them have an honest opportunity to succeed, for example, when they open a small business.

Reforms: Product of Decade of Bipartisan Work

I want to note at the outset that the reforms before us are the product of over a decade of bipartisan work. The first major attempt at regulatory reform took place here in the Senate in 1982, when we passed S. 1080 unanimously. S. 1080 itself grew out of a bill I introduced in 1981, again with bipartisan support.

S. 1080 contained sweeping revisions of the Administrative Procedures Act. Most of those revisions are included in the bill before us.

S. 1080 imposed a requirement that major rules be subjected to cost-benefit analyses. The structure of the cost-benefit analyses in the bill we consider today closely follow those in S. 1080.

S. 1080 required judicial review of cost-benefit analyses in order to provide meaningful enforcement. The bill before us does the same.

I have provided this brief history for two reasons. First, there are many senators still in this body on both sides of the aisle who supported S. 1080 in 1982. And, second, there has been a concerted attempt by those who defend the status quo to ignore that history and act as if the bill under consideration today was a radically new approach with little thought for the consequences. Nothing could be further from the truth.

Every President since President Nixon, including President Clinton, has issued an executive order that imposed such requirements on agencies. Though executive orders are necessarily limited in scope and cannot provide for court enforcement, the bill we consider today draws on two decades of agency experience with those executive orders.

This bill is also the product of four major committees. I want to especially commend the chairmen of those committees, Senators Hatch, Roth, Murkowski and Bond, and their members for their hard work. This bill is the product of negotiations with the Clinton administration, and Democrat colleagues. From the beginning, it has had bipartisan support. I especially want to commend Senator Heflin for his leadership in working on the bill in the Judiciary Committee. And, finally, the text of the bill we consider today is the product of weeks of work with Senator Johnston who has long championed reforms in risk assessment in this body.

Given this history and broad bipartisan support, it might be surprising that regulatory reform has been met with often strident opposition.

But this bill is about fundamental change -- needed change -- and those who defend the status quo will fight it tooth and nail. Apparently, they will do so without even pretending to read the legislation.

(more)

Let me be clear: these reforms will not place at risk human health or safety or protection of the environment, and the bill before us makes this explicit in any number of provisions. Those who argue otherwise should stop trying to scare people and take the time to actually read the bill.

Risk Assessment & Cost Benefit Analysis

What opponents of regulatory reform really mean, but are embarrassed to admit, is that they believe that "strong" laws must always mean the most "costly" laws. Now, they won't say that of course. No, they will pay lip service to "common sense." But as soon as you actually propose a way to consider costs and benefits, they switch subjects and accuse reformers of endangering human health and safety. I doubt anyone outside Washington, D.C. who has to deal with regulations in their daily lives really believes that line anymore.

I have enough faith in our ingenuity to believe that we can find better, smarter ways to achieve otherwise worthwhile goals.

Nor -- as opponents of reform would phrase it -- is this a debate about placing a "value on human life." The bill makes clear that there often "non-quantifiable benefits," and that an agency decisionmaker may well have to make judgements that are not subject to quantification. What the bill demands is accountability, by insisting that the decisionmaker articulate the basis for these judgements on the record. The principles of judging risks and weighing costs and benefits are rational and widely used in our daily lives. What is unacceptable is to allow government agencies to avoid these types of judgments when enacting regulations that impose huge costs on our economy.

These reforms are about limited government. For too long, decisionmakers in Washington, D.C., have acted as though bigger government -- taking more of our taxes and savings, and suppressing individual initiative -- could exist without more coercion and more rules. But that is wrong. For 40 years, the number and scope of regulations have skyrocketed out of control. The costs and annoyances of regulations have grown unbearable. And what is worse: we have not even attempted to use commonsense in order to determine whether the costs are worth it.

Importance of Government Accountability

These reforms are about accountability. Open government. Forcing the government to tell the rest of us why it chooses to regulate a certain way, and making it defend its choice. This aspect of regulatory reform is not often discussed, but I would argue that it may be the most important of all.

It has often been remarked by historians that the decline of great civilizations -- such as ancient Rome -- is typically marked by an overabundance of bureaucracy that relied on secret, often contradictory, rules. Eventually, the entire regulatory structure brings progress to a standstill and it collapses of its own weight. It is no accident that we describe complex, inscrutable procedures as "Byzantine."

We are a long way from reaching that point certainly. But we should understand that this is a battle that we will fight again and again. I, for one, intend to win this battle. The reforms we take up today are a giant step forward for common sense and our great country.

###

* Remarks delivered on Senate floor, approximately 4:05 PM.