

crime areas watch half again as much television as in areas where crime is less prevalent. Too often, the children of those parents are desperately just trying to get by, and if watching more violence on television keeps the children off the streets, it will strike many parents as a reasonable tradeoff.

So I welcome the industry's considerable effort to assist the American public with ratings and the V-chip, but I view it as a mixed blessing.

Let me close by issuing a challenge to the industry and to my colleagues. To the leaders of television, I applaud the progress you are making. Broadcast entertainment TV is measurably less violent than 5 years ago and cable TV is slightly less violent. If this progress continues, 10 years from now people will look back on today's television as we now look back on old movies that have the heroes and heroines smoking and drinking heavily. Moving away from that stereotype did not hurt the movies and television, and it helped the American public.

I urge all industry leaders to read the two fine monitoring reports that the broadcast and cable industries authorized. I particularly call your attention to the statistic in the more recent report that 73 percent of violence in entertainment television has no immediate adverse consequences for the perpetrators of the violence.

The message to children and adults from that: Violence pays. The same report notes that only 4 percent of violent programs emphasize an anti-violence theme. It should not be difficult for television executives to tell your writers and directors and other creative people to shift this emphasis. We do not need to wait for a V-chip for that.

To my colleagues in Government, I urge patience. As one of the harshest critics of the industry, let us acknowledge that progress has been made even before this latest announcement and congratulate the industry for it. It is no accident that the top five in the network ratings on television today are not violent shows.

Let us applaud the progress that has been made, and let the dust settle a little, viewing carefully and not emotionally where we are, and not pass more legislation at this time. President Clinton and Senator BOB DOLE deserve some of the credit for the progress that has been made, as do many other of my colleagues of both parties in the House and the Senate. Periodic hearings should be held to determine what is happening, but let us not derail a train that is now headed in a better direction.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

#### SMALL BUSINESS REGULATORY ENFORCEMENT FAIRNESS ACT

Mr. BOND. Mr. President, it is with regret, I tell my colleagues today, that we are not able to proceed at this time with the Small Business Regulatory Enforcement Fairness Act, S. 942, which was marked up by the Small Business Committee yesterday. We had hoped to be able to go forward on what is a very sound, bipartisan bill that responds to the major regulatory reform requests of the delegates to the White House Conference on Small Business. At this time, there is an objection on the other side of the aisle to calling that measure up for consideration today.

Frankly, I am very disappointed that we are not able to go forward, because this is something that we in the Small Business Committee, with the help of others in this body who are concerned about small business, have worked on for a long time.

I want to pay a very special thanks to my ranking member, Senator BUMPERS, and his staff who worked with us and the other members of the committee to get what I think is a good bill. It was passed out of the committee on a 17 to 0 vote. It was one which I had hoped we would be able to move quickly.

We are coming up very shortly on the 1-year anniversary of the White House Conference on Small Business. A number of small businesses do not understand how slowly this place moves. Sometimes I do not understand how slowly this place moves.

It would seem to many that the time has come to respond to their requests. There are several simple requests.

One of them is to put some teeth in the measure that is supposed to give small businesses an opportunity to be heard in the regulatory process. Congress passed, and the President signed about 16 years ago, a measure called the Regulatory Flexibility Act. The objective of that act was to make sure that Government regulations which affected small business took a look at the impact on small businesses and choose a means of minimizing the hassle, the redtape, the wasted energy, the wasted effort that a regulation might impose on a small entity. I say small entity because that is only small business. It has a small profit. We have had people from colleges and universities who wring their hands and tell us that the same hassles the small businesses face affect them. I cannot tell you the number of county and city officials in my State who say, I wish we had the ear of some of the regulators in Washington because they do not take into account what some of these regulations that might be perfectly workable for a large corporation, or even a State government, do when it comes down to the local level to a small business.

Well, for years, the White House conference delegates and other small business groups have said that if you want to make regulatory flexibility work, you have to put some teeth into it. When the reg flex bill was passed initially, there was an exclusion of judicial enforcement. In other words, you could not go to court and say a Federal regulatory agency failed to take into account the impact on small business. Well, we have, by a bipartisan effort, a measure which provides judicial enforcement for regulatory flexibility. The President has called for it, the Administrator of the Small Business Administration has called for it, leading Members of both sides of the aisle in this body have called for it. We would make regulatory flexibility subject to the judicial enforcement. Why? Because, quite frankly, right now, when the Small Business Council for Advocacy goes to a Federal agency and says, "You did not take into account how this is really going to tie up small business, and you are putting a tremendous recordkeeping burden on them, putting them through a tremendous hassle," too often those agencies say, "Tough luck."

So what are you going to do about it? The answer is nothing. He cannot do anything about it. Under this bill, he could do something about it. Under this bill, a small entity could do something about it. Well, that is what is being held up today. That is what we had hoped to bring to the floor this afternoon, to do what the small businesses of America have asked us to do, and that is let their voice be heard in Washington. Let them have an opportunity to express their concerns and their complaints to the agencies that are driving them nuts.

I might add, parenthetically, that even the Small Business Administration itself came out with a bunch of regulations, some of them in its loan programs, and others, which we think might make it more difficult for small businesses. It would not be a bad idea for the Small Business Administration to take a look at how its own regulations impact small business. We can give them some help. Well, we cannot do it until we have S. 942, or the contents of that bill, passed by both Houses and signed by the President.

This measure also does some other things that are very important. It says when you write a regulation, you have to tell, in plain English, commonsense language, how an entity can comply with it, what you are really getting at in a regulation. We are saying that if you do not do that, if a regulatory agency wants to bring an enforcement action against a small entity, the small entity can look and say, here are your guidelines; or, if you do not have any guidelines, you can publish guidelines. Sometimes the simplifying guidelines a Federal agency puts out are very thick. For a small business with one, two, or three employees, not many of them have the time to read

through hundreds of pages of directions. That is not simple language. I think that is a tool the small businesses need.

Senator DOMENICI, as a result of small business hearings we had in New Mexico, had a good idea, one that we need to try out, which is included in this bill. It would give small businesses an opportunity to participate in making the regulations in the first place. Let them be heard. Bring them in and let them have a crack at it. Let them have an opportunity to say how the goals of the legislation—that is, what the regulations are supposed to do to help achieve the goals of legislation—how those goals can better be achieved as they affect small business. That is also included in it.

And then we have a final provision that also came from the hearings that we held around the country, from Georgia to Alaska, Tennessee, and Missouri. We have had hearings in Minnesota, all around the country, and we have heard a lot of small businesses say that it is not just the regulations; sometimes it is the regulators themselves. Sometimes the regulators themselves come in and act like they have been sent by the king rather than by a popularly elected Government. They act like they represent a monarch, and they tread on the rights of the people who do not have the resources to fight them.

So we would set up an ombudsman, who would be available for a small business or a farmer, or other small operators, to raise an objection as to how an inspector operates. I asked the small businesses before, "Why do you not object if OSHA sends in an inspector who is overreaching, who does not listen to your side of the story, who says it is his way or the highway? Why do you not just object to the agency?" They say, "If we object to the agency, that same guy is going to come here next month, and instead of fining us \$4,000 for not having a label on some dish-washing soap, he could increase the fine, or it could get even worse."

So we set up a means where an affected small business or entity that gets stepped on by these enforcers could register a complaint. We set up regional regulatory fairness boards to hear these complaints. I think it will help the agencies themselves to root out a bad apple, or to bring in an inspector, examiner, or representative who is out of hand and say, "We have had complaints about you. You are not helping the citizens we are supposed to serve and represent to comply with the laws and with the regulations. You need to shape up the way you are acting."

Well, that ombudsman provision, the regulatory fairness provision, is also included in S. 942.

Finally, equal access for justice. We want to make it easier if you are a small business and the Federal Government comes in and says, "We need a million dollars in penalties," and you

say, "That would put me out of business. It is not a willful violation, and I did not cause serious harm. It is the first time I have done it." That is totally out of whack. If they proceed against you and get a \$10,000 fine, then you ought to be able to get your attorney's fees from the agency that tried to run over you. It makes them accountable. It makes sure that the agency comes in with demands that are not out of reason. That, too, is in S. 942.

Unfortunately, at this point, there is an objection on the other side. I know that we have very strong support, particularly from the members of the Small Business Committee, on both Republican and Democratic side. We would like to move this bill. We have time set up on the floor. This is valuable time that we are wasting that we are not moving forward on this bill. This is the time that we could be doing something that would respond to the concerns that the small businesses of America have about how the Federal Government acts.

Unfortunately, as long as there is that objection, it will take us some time to bring it up. We will bring it up. I know everybody seemed to be ready for it. The people who were involved in crafting it were ready to come to the floor.

I say by way of explanation to our other colleagues that I truly regret we cannot pass this measure. It is one I know had total bipartisan support in the committee. I think it will have strong bipartisan support on the floor. The President has already indicated his support for the basic principle of judicial enforcement of regulatory flexibility.

Mr. President, I only say we are still ready to do business if the Members on the other side change their mind. It is too bad we have valuable time set aside on the floor and we are not able to move.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order of the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE SMALL BUSINESS REGULATORY FLEXIBILITY ACT

Mr. DASCHLE. Mr. President, I understand that someone from the majority will be coming to the floor to offer a unanimous-consent request that has to do with a number of matters pertaining to our schedule for next week. While he is on his way, let me simply explain the dilemma that requires our objection to moving at this time to the Small Business Regulatory Flexibility Act.

We have no objection to the substance of this particular bill, with the

understanding that some technical details remain to be resolved. I am quite confident that if all we had to do was to consider the bill, after only a short period of time for debate and adoption of a managers' amendment to clarify some technical questions with the bill, we would then be in a position to vote. I would suspect unanimously, for that particular legislation.

The dilemma is that the bill will very likely be used as the vehicle for another very big debate, unlimited debate, over the whole issue of comprehensive regulatory reform. That issue has been before the Senate for weeks already during this Congress. Several attempts to invoke cloture were made and failed. We could thus find ourselves in much the same set of circumstances again next week were comprehensive regulatory reform legislation offered as an amendment to this bill.

My concern is that the Senate has many important and timely issues facing it. We have a debt limit extension bill, the continuing resolution, the Whitewater resolution and a number of other issues pending. I would be very concerned if this body found itself mired once more in an impasse over comprehensive regulatory reform, with no real hope of coming to some consensus, some compromise.

We are getting closer. I think at some point there may be an opportunity to bring a bill to the floor. But we are not there yet. I think that rejoining this debate at this time on this bill would most likely undermine what possibilities there are for regulatory reform.

So bringing regulatory reform to the floor under those circumstances would not be what I view to be a very constructive exercise. But it is not my objection this afternoon that will cause the bill not to be scheduled. There are objections within our caucus, and I respect those objections. They are being made for legitimate reasons.

So we will continue to try to resolve these outstanding difficulties and come to some resolution at some point in the future. But until the broader issues relating to this particular bill are resolved, we would not be in a position to go to the bill.

Mr. President, I yield the floor and note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### THE FULBRIGHT SCHOLARSHIPS STAMP

Mr. PRYOR. Mr. President, on February 28, the Postal Service recognized 50 years of Fulbright scholarships by issuing a commemorative stamp in