

of the \$8 billion request level, contingent upon finding additional resources. There are many different ways in which you can do that. We are not prescribing how it can be done or should be done. That is not in the Appropriations Committee's role of authority.

In this context, it is utterly perplexing to me that the administration would threaten a veto when the process is just underway. I hope the President's advisers understand they cannot compel Congress to appropriate \$1 of money. That is exclusively, constitutionally the jurisdiction of the Congress. I hope they realize that rejection of good-faith efforts to reach compromise and maintain the essential operations of Government will harden positions and polarize and drive some in Congress to argue for no compromise at all.

The omnibus appropriations bill reported yesterday is not the only way to maintain Government operations beyond March 15. Other vehicles that may be drafted should this proposal fail or be vetoed may not be so responsive to the administration's programs. I do not wish to pursue that course. I believe the bill reported by our Appropriations Committee yesterday is the way we should proceed; to be accommodating, as we are the only authority that can appropriate money. It is the President's check and balance to either sign or veto a bill, including an appropriations bill, but we can take those rigid positions and polarized positions and continue the stalemate.

Mind you, the Appropriations Committee of the Senate has made a long movement, serious movement, sincere movement to try to be accommodating, recognizing the President has a role in the legislative process and has his priorities. But we also have ours. It is not going to be the President's way or no way any more than we are suggesting it should be the Congress' way or no way. We have made our move. We have made the gesture of trying to accommodate in a very real way. I only hope the President's advisers realize this may be our last and best offer. If they are more interested in the substance of governing than the politics of the moment, I hope they will work with us toward a successful conclusion of our efforts.

The PRESIDING OFFICER. The Senator from Oklahoma.

#### A VETO OF THE OMNIBUS APPROPRIATIONS ACT

Mr. NICKLES. Mr. President, I wish to compliment my friend and colleague, Senator HATFIELD, chairman of the Appropriations Committee, for his statement. I hope the administration was listening. I just jotted down a few of the figures that Senator HATFIELD alluded to. He mentioned the committee had moved \$6.2 billion out of the \$8 billion the administration had requested. If I understand his statement correctly, they are still saying they

will veto the bill because we are not spending enough.

If they veto this bill or maybe if their threatened veto means this bill does not go forward, therefore the net result of what they are looking at, if I think ahead of this scenario, is then they are going to be looking at a continuing resolution, one that will continue funding at the lower of the House or Senate level, maybe even less a percentage of that. So the administration, while trying to get more money in spending for a variety of programs, may well end up getting less, because, as Senator HATFIELD just stated, they cannot make Congress appropriate money. It may well be that some of the President's pet programs, if they follow through on this veto threat of what sounds to me to be a very generous, maybe even overly generous bill reported out of the Senate Appropriations Committee—if they are going to threaten to veto that bill, maybe we should just look at the continuing resolution and/or maybe we should look at zero funding for programs such as national service.

Maybe we should look at zero funding for some other programs which the President feels very strongly about. He cannot make us appropriate the money. If he wants to shut down the entire Agency because he does not get the money for want of his new programs, that would be his decision, and it would also be his responsibility. And maybe he thinks he will gain politically by doing so. I doubt it. Maybe we will have to find out.

Again, I think Senator HATFIELD has something very good for the administration. It is very premature, in my opinion, as he stated on the floor of the Senate, for the administration to be issuing veto threats just when a bill is passed out of the Appropriations Committee. Usually that is not done until bills are passed and reported out of both Houses, and then possibly a conference report.

So I am disappointed to hear of the President's veto message, or veto threat, as explained by Senator HATFIELD.

#### SMALL BUSINESS REGULATORY FAIRNESS ACT

Mr. NICKLES. Mr. President, I rise on the floor this evening because I want to compliment Senator BOND from Missouri, the chairman of the Small Business Committee, and also Senator BUMPERS from Arkansas for the legislation they reported out which is now pending, or we wish to have pending before the Senate.

Also, I wish to express my displeasure at those on the Democrat side—Senator DASCHLE, or whoever he is—for objecting to consider this bill. This is a bill that was reported out unanimously by the Small Business Committee. It has overwhelming support, as Senator BUMPERS mentioned and as Senator BOND alluded to as well. This is a bill

that is going to pass overwhelmingly in the Senate. To object to even considering it—and I looked at the unanimous-consent request. It even said let us consider it next week. To object to consider this bill today, or next week, I think flies in the face of common sense. It is well-known. Yes, part of the unanimous-consent request is that the bill would have an amendment offered by myself and Senator REID from Nevada, a bill almost identical to the one we passed through the Senate last year unanimously. It had a 100-to-nothing vote, a bill that would say Congress should review regulations. We would have an expedited procedure to do so. If Congress did not like it, we could kill it. If we passed a joint list of disapproval, the President would have an option to veto that resolution.

So we would restore checks and balances and restore congressional accountability—because many times Congress will pass laws and tell the agencies or the regulatory agency to implement it, and then we turn the agencies loose. And then we find out the regulations are far too expensive, maybe do not make sense, and have unintended consequences.

Congress should be in play. Congress should still have exercising oversight. This is going to make Congress responsible. It is going to make Congress look at the rules that come out of legislation as a result of executive action.

So, again, this is legislation that is supported by the President. So why in the world will our colleagues on the Democrat side of the aisle not let us bring up legislation such as this that is supported very strongly by the small business community all across the United States?

I used to be in small business prior to coming to the Senate. Small businesses are strangling with the mountains and mountains of paperwork. So we are trying to give small business at least some regulatory relief. We have a chance to do it.

My colleague from Missouri passed a good bill out of committee, and it was a bipartisan bill. We do not have many bipartisan bills. We need more. We need more bipartisan work. Senator BOND and Senator BUMPERS have done it in this bill. Senator REID and I did it in the congressional review. We need more examples of that.

So then when we try to take it up and pass it either this week or next week, by a time certain, unfortunately it is objected to. Those objections will not stand. Those objections will not last. They will not prevail.

I have heard other colleagues say that maybe we want to do a more comprehensive bill. I want to do a comprehensive bill. I want a significant comprehensive regulatory bill. It does not have to be on this. We can pass two bills this year.

It is part of the frustration of being in the Senate and Congress with people thinking, "Well, there is only one bill. Therefore, we had to put everything in

the world that remotely is related to it on that one piece of legislation." It does not have to happen. It should not happen. If we can put together a bipartisan coalition and pass comprehensive regulatory reform, let us do it. I will be happy to help in any way I can.

I worked with Senator DOLE to put together a good piece of legislation. Senator JOHNSTON worked with us. But we only had four Democrat votes. We had four cloture votes on that major comprehensive piece of legislation. That goes all the way back to last summer. We spent hours and hours trying to negotiate a comprehensive package.

I hope we can. I hear Members say maybe we can do it. I hope we can. I am willing to spend more hours to make that happen. But while we are here, while we are looking for legislative action, let us pass some good legislation. Let us pass legislation that makes Congress more responsible. Let us give small business regulatory relief now. If we can pass more comprehensive legislation that says the benefits must justify the cost of the regulation or the regulation does not happen, that makes sense. Let us do that, too. But it does not have to be on this piece of legislation.

So I urge my colleagues that are now obstructing this piece of legislation—not even allowing us to consider the legislation—to reconsider. I think they are making a mistake. I think small business people across the country, if they found out the Democrats are obstructing and blocking this piece of legislation, would be upset.

So I hope that they will reconsider. I hope they will allow us to pass this legislation in a bipartisan fashion as soon as possible. It will be, in my opinion, a real, positive, good piece of legislation for business all across the country.

Mr. President, I yield the floor.

Mr. COVERDELL. Mr. President, I rise to express a certain amount of indignation over the charade being played out in the U.S. Senate this afternoon.

Yesterday, I was, as a member of the Small Business Committee of the Senate, in attendance when the Small Business Regulatory Enforcement Fairness Act of 1996 was unanimously passed to the floor. I listened to the ranking member, the Senator from Arkansas, the Senator from Minnesota, the Senator from Connecticut, and the Senator from Massachusetts all heap praise on the committee chairman, Senator BOND, from Missouri for his bipartisan efforts to produce a bill that could receive unanimous consent and come to the floor and be rapidly attended to.

It is stunning, in light of those comments, that the leadership, the minority leadership, the President's leadership, would come to this floor and throw obstacle after obstacle in front of the consideration of this bipartisan piece of legislation. What it says to me is that they are bringing the President's campaign onto the floor of the

Senate, and the 1996 campaign for President of the United States is at work here today on the Senate floor. The administration, the President, responding to the hue and cry across the land—which is that we have to be more attentive to small business in America. Small business produces over half the jobs, and all the new jobs—virtually 90 percent of the new jobs—are coming to small business.

Everybody admits all across the land to the regulatory burden on small business, and I wish to point out that small business means like 4 employees; 60 percent of the American businesses today have 4 employees or less; 90 percent have 25 or less. They cannot keep up with the burdens that this Government has heaped on small business, many of them family businesses. They cannot keep up with the pages and pages of regulation. They have been intimidated by regulatory bullies. Everybody—governments across the land, State governments, the Federal Government, both parties—has said we have to do something about it, including the President of the United States, who says he supports this legislation, whose members on the small business committee voted for this legislation, who said this is a true bipartisan effort, who acknowledged the chairman's work. And here we come to the floor and we run into this political wall.

This objection can only be a part of a partisan strategy. That is all it can be. And it leaves the President in a very unattractive light. This is the light. It leaves him in the position of saying, "I support the bill; I am for this," and then backhandedly going to his leadership and saying, "Do what you can to stop it."

That is a pattern, I would suggest, Mr. President, that we are seeing all too often. Remember the "I am going to lower your taxes," but then they got raised, or remember "I'm for welfare reform," but he vetoed it at midnight. And now we have "I'm for relief for the small businessman."

I am for this piece of legislation that gets at some of the fundamental changes that need to occur to help small business prosper, to help them grow, to help them hire somebody, to help create a shorter unemployment line, and here they all are, here they all are doing everything they know to do to block the consideration of that which they say they are for.

If the strategy is to say, well, the Congress is not doing anything, I can only assure them that this is going to backfire. The American people are alert. They will know who is standing in front of this. They will know who the obstacle was and is.

Mr. President, I have a letter from the National Association of Towns and Townships dated March 7, 1996 to Senator BOND thanking him for his leadership in developing legislation to strengthen the Regulatory Flexibility Act of 1980," which this piece of legislation does. And they endorse it and

strongly recommend its passage. I ask unanimous consent that the letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION OF  
TOWNS AND TOWNSHIPS,  
Washington, DC, March 7, 1996.

Hon. KIT BOND,  
Chairman, Small Business Committee,  
U.S. Senate, Washington, DC.

DEAR SENATOR BOND: The National Association of Towns and Townships (NATaT) would like to thank you for your leadership in developing legislation to strengthen the Regulatory Flexibility Act of 1980 (RFA). NATaT strongly supports S. 942, the Small Business Regulatory Enforcement Fairness Act of 1996. NATaT has long supported judicial review of the Regulatory Flexibility Act (RFA), which is a major component of S. 942.

NATaT represents approximately 13,000 of the nation's 39,000 general purpose units of local governments. Most of our member local governments are small and rural and have fewer than 10,000 residents. These small communities simply do not have the resources to comply with many mandates and regulations in the same fashion that larger localities are able. The impact of federal regulations on small localities was understood by the authors of the RFA and small localities were therefore included under the definition of small entities in that act.

NATaT has long recognized the failings of the RFA and has fought to strengthen it over the years. We have concluded that the only way to get federal agencies to take notice of their responsibilities under the RFA is to allow small entities to take an agency to court for failure to follow the provisions of the RFA. Strong judicial review language would do just that. NATaT strongly supports the judicial review language and would oppose any efforts to weaken it.

Sincerely,

TOM HALICKI,  
Executive Director.

Mr. COVERDELL. Mr. President, I am going to yield the floor. I just want to reiterate that the President's own men looked right at this Senator in front of me and said, "Thank you. You have done an outstanding job. You have demonstrated true bipartisanship." And everyone voted to bring this to the floor for judicious handling and management. The President has said publicly he supports it, and their leadership on that side of the aisle is blocking it. The truth will be known as to who is for it and who is against it. This is one for which the 1996 Presidential campaign ought to have waited in the name of the Americans who are waiting for this relief.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. The White House Conference on Small Business which was concluded about a month ago took a look at a number of issues that are faced every day in small business, or maybe just the business world faces every day in doing business—the number and scope of Federal regulations and the cost of compliance. They took a look at penalties, the lack of cooperation, and as far as the Government entities are concerned that are

charged with compliance or enforcement.

We got that report from the President's conference on small business. I know my friend from Missouri spent hour after hour combing through the report after that conference was over. It was pretty comprehensive on what areas we could deal with and what areas maybe that we could not deal with. But it was pretty obvious that we had a lot of work to do in this piece of legislation. It is truly bipartisan. We marked it up the other day, after Senator BOND's work, and then the years that the ranking member, Senator BUMPERS of Arkansas, spent in trying to find middle ground or to craft a piece of legislation that could pass this Congress. He has a vital interest in this and he has been a vital part of this, to bring this piece of legislation to the floor.

I believe the measure does strike the right balance. It strikes a balance between business and the burdensome regulatory and enforcement nature of the Federal Government. Business owners who deal with these regulations every day are telling us "give us some flexibility, give us some relief," not maybe to change a law but get the regulatory agencies in a position that they can be an advocate for business, put them in a support role, not just to go out and levy fines or find something wrong.

There is probably not a business in the world where you cannot go out and find something wrong or some violation of some rule or regulation. The regulatory agencies should be an advocate of that business and help them to put their house in order. Just give us a little help. Tell us what we are doing wrong and then turn around and help us fix it.

I think we can find that relationship between the regulators and, of course, people who are trying to make a living in this country.

This measure incorporates several provisions that will greatly help entities which are defined as small business, small nonprofits and, of course, that is what we find in our small towns. When you are a 98 percent small business State, as Montana is, this happens to be a very important issue. After all, all the new jobs are being created by the young entrepreneurs who are starting out in business and they are hiring one, two, three, four, five people to get started in hopes of growing to something larger. It even encompasses our people who work on our farms and ranches.

I am very concerned about the changing attitude that has been occurring in probably one of the most helpful, the most knowledgeable agencies in the U.S. Department of Agriculture, and that is the Soil Conservation Service. They have taken a support group of actually great people and know what they are talking about when it comes to soil science, soil conservation, water management, water conservation, what

to do about erosion—the farmers and ranchers across this land really placed a lot of confidence in the know-how of the Soil Conservation Service—and turned them into a regulatory unit which maybe a farmer or rancher does not want to come back on their farm or their ranch anymore. That is a relationship that has been destroyed because of the nature of the bureaucracy in this day and age.

I think this law creates a cooperative relationship between regulators and small business entities, one that is less punitive and much more solution oriented.

It adds a trigger to the Regulatory Flexibility Act when a rule is likely to have a significant economic impact on the substantial number of small entities, and the agency would then have to show they have taken steps to minimize the impact of the rule on small businesses available within the agency's discretion.

The RFA would also be applicable to the IRS rules and substantive interpretive rulemaking, for the first time. I just went down through some of the things that it does. It struck me in the compliance guides, it means, write the rules and regulations in plain English so all of us can understand it, and gets away from these legalees or gets away from the language that, no matter which way you go, you are going to be out of compliance as far as a businessman is concerned. Just keep it simple. That is not asking too much.

It asks for more input from the small businesses during the rulemaking process. We had a hearing in my State of Montana on the new rules and regulations on safety in the workplace in the woods, logging, requiring that an employer enforce a rule to make loggers wear a specific kind of logging boot. It is a caulk boot. You know what? The boot is not even out on the market yet. They cannot even buy it at any price. They cannot get it. The logging operation is shut down because the rule called for the boot, and it is not available.

There, again, you are asking for some flexibility. Not a bad idea. Weigh first-time penalties for small infractions. Quit going out there and beating up on people.

It makes Government more cooperative, and it even makes the businesses more cooperative, also. Those are just some things that happened in this act. I find that if you come forward with a piece of legislation which has strong bipartisan support—and I mean everybody on that Small Business Committee had an opportunity for input in crafting this legislation—and then we bring it to the floor in hopes of giving small business some relief, and it is filibustered by the other side of the aisle—make no doubt about it, they will not let this piece of legislation come up for a vote. They always told me, the price of a filibuster is a few political chips. Somebody better be paying it, and somebody better be kicking

some into the pot, because along with everything else, we do not want to get into a situation, especially in a year like 1996, where the only thing we do is get into the business of name-calling and not really looking at this piece of legislation and what it does for us.

Small business is where it is at. We do not even pick up the business section in the paper that we do not see large corporations downsizing, spinning off small parts of their own industry. You know what? That is not all bad because some of those little spin-offs, they go out, they hire smaller, they become lean and mean, and you know what? Pretty soon they become very profitable.

So when you look at S. 942, it is something that I think the Small Business Committee can be very, very proud of. It has new compliance guidelines, informal small-entity guidance services to small business development centers, even enforcement on ombudsman and regional boards that creates some kind of a relationship between those people who do business with the Small Business Administration in trying to get their businesses off the ground. It levels the playing field. It allows small business to do business on the same level as big business.

So I congratulate Senator BOND and Senator BUMPERS for working on this, working it out the way it should be done. I mean, we have been part of the criticism, too, that we are too partisan. But this one really was not. This was a bill that was worked on and was worked on, and it was fine-tuned before it was ever allowed to come to a vote in the committee. Everybody had an opportunity to be a part of this Small Business Regulatory Enforcement Fairness Act of 1996.

We cannot talk one way and act another, because I think the information and the availability of how we act and what we say is too open to the world to then go home and tell the folks that we have done something else. I do not think we are in that kind of a position.

So I hope and I suggest that the other side of the aisle—let us get this on the floor. If you have some complaints about it, let us bring them out and let us try to work them out. That is the way legislation moves. I do not think there is anybody on this committee that is not amenable to suggestions as far as this piece of legislation is concerned, because as far as small business is concerned, this could be the biggest piece of legislation that we move this year. So I thank my chairman and the ranking member, and I hope that we can pass this posthaste. I yield the floor.

Mr. BOND addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. BOND. Mr. President, I want to express my sincere thanks both to Senator BURNS and to Senator COVERDELL, two members of the Small Business Committee who have been very active participants. They have held hearings

in their own States. They have brought us good ideas from their States that we have incorporated in S. 942.

I share the sentiments expressed by Senator BURNS. We have had great cooperation, as mentioned before, from Senator BUMPERS, all of the Democratic members of the Small Business Committee, and their staffs. I think we have a good piece of legislation. Senator COVERDELL, at my request, introduced a letter of endorsement from the National Association of Towns and Townships. They, too, are going to be affected and benefited. This is not for small profitmaking corporations only or individuals; this affects small entities like not for profits and small local units of government.

So we have made an offer for a very tight unanimous consent request to move forward on this bill. We asked to do it today. That was objected to. We asked to do it Tuesday. That was objected to.

My plea is, small business, small entities want some relief. They have given us good ideas. We worked on it in the committee. Let us go forward. I ask the Members on the other side who are objecting, let us go forward and get on with this, because small business deserves to have an answer. So do the other small entities affected. I hope that we will be able to move forward early next week. But right now it still depends upon whether the objections will be raised on the other side.

Mr. President, I yield the floor, and I thank the Chair.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

#### THE OMNIBUS APPROPRIATIONS ACT

Mr. GORTON. Mr. President, I hope that my distinguished friend from Missouri and my friend from Montana will attend my remarks for just a moment, and perhaps comment on them, just as they have on one another's with respect to the bill that they have been so eloquently attempting to move to passage.

Just a few moments ago, the distinguished chairman of the Appropriations Committee, Senator HATFIELD, appeared on the floor with the extraordinary news that the administration had expressed its unwavering intention to veto the omnibus appropriations bill that was reported by the Senate Appropriations Committee just yesterday.

The Senator from Oregon pointed out that appropriations, the spending authorization for the spending of money, is the prerogative of Congress. That is perhaps the most fundamental of all the prerogatives of Congress, that no President of the United States has ever been able to or can now or will be able to in the future force the Congress to pass an appropriation at a level that the President wishes.

But my distinguished chairman and friend from Oregon, I do not think,

reached the true depths of the arrogance of this veto threat. So while he was speaking, I got out our publication, our committee report, on the subject. I discovered that the total amount of money that we proposed to allow the President of the United States to spend during the current fiscal year in that bill, for five different agencies, is \$164 billion, approximately \$164 billion, approximately \$164 billion, of which a little less than \$5 billion is restricted and cannot be spent unless the President reaches an agreement with Congress on a balanced budget at some time in the future.

The President of the United States has said that he will veto this bill unless we allow him to spend \$166 billion instead of \$164 billion without any restrictions, without any commitment on his part, without any agreement with the Congress with respect to a balanced budget in the future.

I must say that I find this to be absolutely extraordinary and without precedent, that a President of the United States should, once again, threaten to close down five major units of our Government because we propose to allow him to spend \$164 billion and he wants to spend \$166 billion.

I know that each of my colleagues here on the floor is a chairman of a subcommittee on the Appropriations Committee, as am I. The Senator from Missouri and I are chairmen of subcommittees whose bills are a part of this overall bill. But I just wonder whether they agree with me or not that it is practically beyond belief that a President of the United States should threaten this whole range of programs in all of our areas on which we are willing to spend \$164 billion just as he is willing to commit himself at some point or another to a balanced budget, and the great bulk of that, \$159 billion anyway, whether he agrees or not, just because we will not spend \$2 billion more than he wants.

Mr. BURNS. If the Senator from Washington will yield.

Mr. GORTON. I will yield.

Mr. BURNS. I do not know where he wants to spend the \$2 billion. He was not specific about that, I ask?

Mr. GORTON. I believe he was specific about it. Perhaps a few hundred million were in the field of the Senator from Missouri. Others were in social and health services.

My own responsibility for the Department of Interior and related agencies, where we are willing to spend \$12.5 billion, is maybe \$200 million more than he wants to spend over and above \$12.5 billion; in other words, 1 or 2 percent more money than we are authorizing for him, and yet he threatens to veto this entire bill because he cannot spend every dime that he wishes to spend.

Mr. BURNS. I congratulate the Senator from Washington, because I know we had to look at Indian schools, we had to look at the Indian Health Service. Those areas suffered cuts last year,

and we tried to add some money back and were successful in doing that, and we get this close.

I am wondering, though, if we are not sort of lapping over into the political world rather than the world of reality or this world of trying to finance the Government and make it work.

Mr. GORTON. It seems to me that is the most apt comment on the subject.

Mr. BOND. Mr. President, if the Senator from Washington will yield.

Mr. GORTON. He will.

Mr. BOND. The thing that is striking to me is that we have been working on these bills for many months. I have been working on the title which funds veterans, housing, environment, Federal emergency management, and as I think my distinguished colleague knows, we have been trying to find out from the administration what they want.

I remember when our son was 2 or 3 years old, he would come in and say he wants more. From a 2- or 3-year-old maybe more is a reasonable request, but when you get it from a Budget Director who is supposedly supporting a President who now recognizes the need for a balanced budget, when the President and the Budget Director refuse to give you any specifics, it, to me, is amazing that they can get by with doing nothing but issuing veto threats.

I ask the Senator, maybe he has heard, because I have not heard, from the White House, the Office of Management and Budget, of any changes that they wish to see so that they can utilize the funds better?

It is a great gimmick. It is a great political campaign to say, "I am going to spend more on everything. Of course, I'm for a balanced budget. Of course, I'm for a balanced budget, but I want to spend more on everything."

Do they tell you where they want to make any cuts, I ask the Senator? Did they tell you where they want to save money?

Mr. GORTON. For almost a year, this Senator has suggested that within the frame of reference of the amount of money available to use for the Department of the Interior and related agencies, if the administration wanted to shift priorities, then we would be happy, seriously, to consider those shifts. None have been proposed.

Mr. BOND. You have not heard from them either. I thought I was the only one who was completely stiffed by them. In November, I put in requests. I asked the Agency heads, the Department heads whose budgets we fund, "If there is an adult in supervisory authority, please have them contact us and say what changes they want to make."

I had a conversation with the Vice President. I said, "This is a process in which the executive and the legislative branches need to sit down and compromise."

Every government I have ever served in, and I served at the State level where I was a Republican chief executive with a Democratically controlled