

passed unanimously in the Senate, became law, back in 1996 when we passed the model legislation to ease the impact on small businesses with respect to the Federal bureaucracy creating rules and regulations. That legislation that became law was intended to ensure that the Federal Government and all of the agencies consider the impact to small businesses of these proposed rules and regulations.

One of the most important provisions of this act was a requirement that Federal agencies work to produce compliance assistance materials to help small businesses satisfy their regulatory obligations. Unfortunately, the GAO has discovered that Federal agencies have ignored these requirements or failed miserably in their attempt to satisfy them. GAO also discovered that the language of the act is unclear in some places about what is actually required of small businesses. Consequently, small businesses were forced to figure out all these complicated regulations on their own. Obviously, this makes compliance that much more difficult to achieve. So my amendment is drawn specifically and directly from the GAO. It clarifies when a small business compliance guide is required, how a guide shall be designated, how and when a guide shall be published, and that the agency make the guide available on the Internet. These are commonsense, good government reforms, which will provide major relief for small businesses at virtually no cost to the Federal Government.

I think it is very important that this amendment be adopted because all too often we have discovered—as underscored by GAO in their recent report—that the agencies find ways or discover loopholes to circumvent the requirement. It is that much easier because they don't want to have to bother to help small businesses comply with regulations, and they use the rationale—or the excuse, I might say—of the ambiguity in law that doesn't allow them to be clear or to provide the assistance directly to small businesses. So we want to remove the ambiguity and we want to be sure that the amendment as represented here today, which would be translated into the statute, will be abundantly clear and specific in terms of how the agencies are going to allow small businesses to comply with these regulations, with the assistance that could be provided by these agencies as well.

I think it is also important to stress that this amendment does not place any additional arduous requirements on small businesses. There are no additional enforcement measures. We are just saying that this is important to clarify, so that agencies don't have an excuse for avoiding compliance with this regulation and also providing assistance to small businesses, and doesn't undercut an agency's ability to enforce its regulation to the fullest extent they currently enjoy.

Furthermore, this amendment was introduced in the form of a bill that en-

joyed broad bipartisan support. It was also included last year in the Small Business Reauthorization Act that was unanimously reported out of the Senate Small Business Committee in the 109th Congress. This isn't any new ground. It is straightforward. It will help small businesses, which are doing so much to create jobs in our economy. Frankly, we ought to do more for small businesses. I think this is a sector of our economy which we have overlooked and ignored.

There are so many resources that we could make available to small businesses for a minimal cost that I think could leverage job creation throughout this country. I know, in working with the new chair of the Small Business Committee, Senator KERRY, that we are going to look to the future to see what kind of programs we can build upon, what kind of efforts we can make that can help small businesses thrive and flourish and create the jobs that so many parts of our country desperately need and require.

I am looking forward to working with Chairman KERRY in that regard, also with Chairman BAUCUS and the Senate Finance Committee because the underlying bill includes some very significant tax relief measures. Unfortunately, they will expire in the future. In the short term, in some cases, such as small business expensing, I think we have to consider ways to make that expensing requirement permanent because small businesses clearly deserve to have continuity of that provision and the certainty that it is going to be there.

I applaud Chairman BAUCUS for undertaking this initiative as the first action as chair of the Finance Committee in the markup, and it clearly is going to go a long way toward helping to bolster a very significant part of our economy, and that is, of course, small business growth.

We want to do more, we should do more, and we can do more.

Again, I urge Members of the Senate to support this amendment.

I yield the floor.

#### CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

#### FAIR MINIMUM WAGE ACT OF 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 2, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2) to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage.

Pending:

Reid (for Baucus) amendment No. 100, in the nature of a substitute.

McConnell (for Gregg) amendment No. 101 (to amendment No. 100), to provide Congress a second look at wasteful spending by estab-

lishing enhanced rescission authority under fast-track procedures.

Enzi (for Snowe) amendment No. 103 (to amendment No. 100), to enhance compliance assistance for small businesses.

Sessions amendment No. 106 (to amendment No. 100), to express the sense of the Senate that increasing personal savings is a necessary step toward ensuring the economic security of all the people of the United States upon retirement.

Sessions amendment No. 107 (to amendment No. 100), to impose additional requirements to ensure greater use of the advance payment of the earned income credit and to extend such advance payment to all taxpayers eligible for the credit.

Sessions amendment No. 108 (to amendment No. 100), to authorize the Secretary of the Treasury to study the costs and barriers to businesses if the advance earned income tax credit program included all EITC recipients.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

#### AMENDMENT NO. 103, AS MODIFIED

Mr. KENNEDY. Mr. President, if I can have the attention of the Senator from Maine, what I would like to do now is to ask that the amendment be modified with the modification that is at the desk, if that is agreeable with the Senator.

Ms. SNOWE. It certainly is.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is modified.

The amendment (No. 103), as modified, is as follows:

At the appropriate place, insert the following:

#### SEC. \_\_\_\_ ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

“(a) COMPLIANCE GUIDE.—

“(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications ‘small entity compliance guides’.

“(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

“(A) the posting of the guide in an easily identified location on the website of the agency; and

“(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

“(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

“(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

“(B) not later than the date on which the requirements of that rule become effective.

“(4) COMPLIANCE ACTIONS.—

“(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

“(B) EXPLANATION.—The explanation under subparagraph (A)—

“(i) shall include a description of actions needed to meet the requirements of a rule, to