

for being 100 percent for regulatory reform. One hundred percent. You cannot get any better than that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I listened with great care to the comments made by the distinguished majority leader. I hope that he will not be discouraged. I hope that, given all the progress we have made so far, we go right back and make some more. I do not think there is a Senator here who would deny that we need regulatory reform. But I also think that virtually every Senator who has examined this issue has concluded that indeed it was one of the most far-reaching, most complex issues we are going to address this year.

We have all been around this place. We all know that when it comes to issues with the magnitude we are talking about now, it is not something you pass on a Tuesday afternoon. I can recall having come here several years ago and spending more than a month on the Clean Air Act. We spent a month. We negotiated and we said we do not know that there is ever going to be a chance to make anymore progress. Lo and behold, we stuck to it because the leaders on both sides said we had to, and what do you know, we did it.

I remember Senators on the other side last year talking about how we really want health care, but it is just not yet exactly what we want, so let us keep negotiating. We talked until we never got health care, unfortunately. I remember talking about the need for campaign finance reform, and vote after vote on cloture, and people on the other side said we have to have campaign finance reform, but this is not the bill. I do not know what their motivation was in voting against cloture on those occasions. I know a lot on that side did not want health care reform, and that is a legitimate position. A lot did not want campaign finance reform, and that is a legitimate position. But a lot of people on this side want regulatory reform. We are continuing to work on this bill because we are not in agreement yet.

I believe that we can reach agreement. I believe that there is a legitimate desire on the part of more and more people to try to resolve these outstanding differences, to get a bill very soon. I just remind all of our colleagues, the bill that was defeated 48 to 52 passed unanimously; Republicans and Democrats voted unanimously for the bill in the Governmental Affairs Committee. If it was so bad then, why did every single Republican vote for it?

I also remind my colleagues, of the 41 votes cast so far, 27 of them have been offered by Senators on the other side. Only 14 amendments have been offered on our side. So I do not want to delay this thing. I do not want to find anymore reasons to delay final passage. Senators on our side are as frustrated as those on the other side. But it is

through that frustration that we must work to accomplish what I believe we all truly want—a good bill, a bill that can bring us an ultimate resolution on something that we all recognize we need.

I yield the floor.

Mr. DOLE. Mr. President, of the 27 amendments on this side, many of them were offered to accommodate requests on the other side, to make the bill "better."

I do not believe the vote on the Glenn amendment reflected the vote that came out of the committee unanimously. As I recall listening to the Senator from Delaware, that is not the case. It is a different bill entirely. I ask the Senator from Delaware, am I accurate, or have I misstated the problem?

Mr. ROTH. I say to the distinguished majority leader that what we voted for in Committee was entirely different from what was voted for on the floor in the Glenn substitute. The Glenn substitute was toothless. Take, for example, the lookback. The lookback was purely discretionary on the part of the agency head. In our legislation, every rule had to be reviewed in 10 years, or it expired, terminated.

So it is totally false to say that it was the same legislation.

Mr. GLENN. Mr. President, what I just heard here just does not happen to be the truth. It does not square with the facts.

What we brought to the floor was basically the Roth-Glenn bill. It is the same bill with three major changes—A strict definition of a major rule, \$100 million a year, no automatic sunset review, and simplified risk assessment, which was what the National Academy of Science recommended. Outside of those three things, I think—and I can be corrected—I believe it is largely word for word the same thing we brought out of committee unanimously.

Only those three major items were added to the bill that came out of committee. If anyone can show me different, get up on this floor and say that. To say that I misstated and that I misrepresented the Glenn-Chafee bill is just flat not right. It is basically word for word the same as the Roth-Glenn bill that came out of committee, with those three changes I just mentioned.

I want to correct that so we make sure all Members know that.

Mr. ROTH. Mr. President, I do not want to extend the debate on this, but I do want to make it perfectly clear that there were significant differences between the Glenn substitute offered on this floor and what passed out of the Governmental Affairs Committee.

It is a fact that, as far as cost-benefit analysis was concerned, the use of it was totally discretionary in the bill proposed by Senator GLENN; whereas, in the Governmental Affairs Committee, it had to be reviewed and included as part of the review.

When it came to the lookback of rules, it was discretionary, totally dis-

cretionary on the part of the agency head as to whether there would be any rule on the schedule. Whereas, in contrast, in the Governmental Affairs Committee bill, every rule had to be reviewed in a 10-year period or it was terminated.

So, while a lot of the language was the same, the fact was the thrust was different, because in one case there were requirements that cost-benefit be done, and the other there was not.

Mr. GLENN. Mr. President, we will make an analysis and enter in the RECORD tomorrow what the exact changes were. I do not believe that is a fair representation of the bill. We will make the entry in the RECORD tomorrow after we have had a chance to analyze both bills, side by side.

#### LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

##### AMENDMENT NO. 1825

(Purpose: To ensure equal opportunity and merit selection in the award of Federal contracts)

Mr. GRAMM. I hate to bring this debate to a close, but let me send an amendment to the desk and ask for its immediate consideration, and I ask that the complete amendment be read.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1825.

Mr. EXON. Mr. President, since I have the floor, I lost the floor at the discretion of the Chair, and I do not wish to delay this matter a great deal, but I do think that the discussion that has taken place between the majority leader, the minority leader, and others—

The PRESIDING OFFICER. Is the Senator seeking to object to the reading being dispensed with?

Mr. EXON. I believe I was recognized by the Chair in my own right, was I not?

The PRESIDING OFFICER. The regular order is the reading of the amendment to proceed.

The Chair recognized the Senator from Nebraska on the assumption that he might request the reading not proceed. But if the Senator does not rise for that purpose—

Mr. EXON. Would the Chair kindly explain the rules to the Senator? I believe the rules say that when an amendment is offered, if the Chair chooses to recognize someone else, that is within the authority of the Chair. Is that not correct?

The PRESIDING OFFICER. That is correct, if the amendment has been read in its entirety. The amendment was being read when the Senator from Nebraska sought recognition. Recognition is often sought for the purposes of

asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

**SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.**

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a combination of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc. v. Peña* on June 12, 1995."

**REGULATORY REFORM**

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.

I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, that are just as much concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue.

I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are very close. We get down to these situations, though, and the old bulls lock horns. The old bulls like to say unless you do it my way, you are against regulatory reform.

I think there is general consensus for regulatory reform. I was very pleased that the Senate voted on the Glenn amendment, 52 to 48. I thought we were very close under that kind of a proposal.

Now, whether or not the Glenn amendment is exactly the same as that which was indicated earlier as not being necessarily true or not, I think that most reasonable people would agree that the Glenn amendment is ex-

tremely close, if not identical, which I would agree, to what was, I think, unanimously passed out of the committee at one time. I simply say that we are not nearly as far apart from resolving this important issue of regulatory reform as I think the majority leader has indicated.

I do not wish to impugn the motives of the majority leader at all. But I noticed on several occasions he indicated 100 percent Republican support for the measure, which implied, with the three or four other Democrats that he also complimented for their help, that all was lost because of minority Democrats just would not yield.

Sometime or other, the minority has to stand up when they think things are not going correctly. Why can we not take the Glenn amendment, that was defeated on a very close rollcall, 52 to 48, and use that as a means to come together in a bipartisan fashion? But, oh, no, we cannot do that. We have to use, as the basis of consideration, the proposition that the majority leader has indicated it is not possible, under the circumstances, to come together.

I say to the majority leader and my colleagues on that side, whom I frequently vote with, I think we are that close. I do not believe there is any sincere effort for most of us on this side of the aisle to be obstructionist, as the majority leader seemed to indicate in his remarks. I therefore suggest that it is time that we not give up. It is a time that we start working together on this matter of regulatory reform, which I think is very, very important.

But I want to compliment the Democratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major concerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legislation under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particular matter if we just keep on trying.

Therefore, I say to the majority leader, come forth once again, Mr. Majority Leader, come forth and talk to the minority leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. However, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the