

write a letter or call the ombudsman and say, "This is ridiculous. Not only is he trying to fine me \$100, he is arrogant. He is abusive." We are trying to comply with the law out here and make a living and the ombudsman can record it, sort of keep a report card on some of these people who come in with an abusive attitude. What is wrong with that?

Second, we say and this is the most important part of the bill, henceforth and forevermore when you draft a regulation you will have to accompany it with an explanation in the mother tongue—which is English—and say in clear, plain, written English what this regulation does and what it takes to comply with it. It would not be a bad idea to let the IRS in on that, too. Why is the IRS perhaps the most detested of all Federal agencies? Because everything they do is subject to 18 interpretations.

Third, there is a broader equal access to justice provision in this bill which says small business is entitled to attorney fees in certain instances where they are sued and have to resist a regulation that is found to be outside the intent of Congress. What is wrong with that?

We already have a rule that says a regulation that is found to be arbitrary and capricious can be stricken; but we do not have a bill that says if the courts find that OSHA or EPA or anybody else who tries to impose a regulation on you to be arbitrary and capricious, you win, but you lose because you do not get your attorney fees. Under this bill in such a case you would almost always get your attorney fees. That is the way it ought to be.

Finally, we have a provision that is mildly controversial called judicial review. That is, if you do not like a regulation and you believe that it goes beyond the intent of Congress and that Congress did not intend this nonsense to be imposed on you, you challenge it. Haul them into court—why not? Congress passes a one-sentence law and the regulators will draft 1,000 regulations to enforce it, and then say those regulations are sacred even though the small business community had no input. Congress goes home, beats itself on the chest, gives itself the good government award and says, "Well, we passed a law, we thought it would be OK." But nobody rode herd on the regulators.

So here there are 1,000 regulations out there and they are saying, "We will impose these on you and you do not have the right to appeal." That is downright un-American. I do not care what anybody says.

I do not think I have ever voted to disallow judicial review. So here is a chance to say to the small business community, we have heard your complaints, we are doing everything we can, not only to lighten the regulatory burden but make the regulators pay if they unfairly and arbitrarily abuse you with their regulations.

Let me just repeat one thing. It is a real tragedy. This bill has nothing to do with this giant so-called Dole-Johnston or Johnston-Dole regulatory reform bill. I will tell you something else. I do not want it part of that bill. I do not want somebody trying to attach this bill to that bill as an amendment. I want to pass this bill and say to the small business community: Here is something for you, whether this other mess ever passes or not.

So, the minute the request of the distinguished Senator from Missouri to bring that bill up under the terms he requested, which are eminently reasonable—the minute that bill hits this floor and we spend an hour and a half debating it, it will be out of here 100-zip.

We cast 23 votes this year. Last year at this time we cast over 90 votes. In short, we are not doing anything, and, in addition to that, here we are with an opportunity to do something that really amounts to something and we cannot get that done.

So the Senator from Missouri and I are going to persevere with this. We are going to get this bill passed one way or the other, because it makes too much sense not to.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

THE OMNIBUS APPROPRIATIONS ACT

Mr. HATFIELD. Mr. President, yesterday I received a letter from Dr. Alice Rivlin, Director of the Office of Management and Budget, concerning the omnibus appropriations bill our Appropriations Committee reported yesterday.

As our colleagues know, the Appropriations Committee reported that measure to provide funding beyond the March 15 deadline of the current resolution for the programs and activities of the Federal Government and agencies funded in the five appropriations bills not yet signed into law, to respond to the President's supplemental request for Bosnia operations and disaster relief and to respond to his request for additional funding for certain programs he believes to be of a priority nature.

Dr. Rivlin's letter is disappointing to say the least. She concludes by declaring, and I quote directly from the letter: "Regrettably, I must advise you that if the bill were presented to the President in its current form, he would veto it." "Veto" is the word. I do not think anybody needs to go to Webster to find out that veto is no, negative, cut off, closed issue.

By the way, may I say parenthetically, I received this letter yesterday afternoon, within a matter of an hour or two after the committee had completed its work and during which time the committee made amendments to the so-called chairman's mark. I defy anybody to go through that complex

document in a matter of an hour or two and know precisely what it means and what it says.

The Appropriations Committee has gone to considerable lengths for many months to address the concerns of the administration. In the bill reported yesterday, our committee went a very long way, in my judgment, toward the administration's position on many issues. That the administration would ignore that progress and still threaten to veto before the process is even completed—because, as everyone knows we are still in the process of having the full floor consider this bill as well—indicates to me that they are more interested in the politics of the moment than the responsibility of governing.

Let me be specific. The President has made the so-called COPS Program, cops on the beat, a top priority. The bill reported yesterday provides \$1 billion for that purpose. Mr. President, \$1 billion is significant money.

The President vetoed the VA/HUD bill, in part because it did not provide funding for the National Service Program. Our reported bill carries Senator BOND's recommendation, as the subcommittee chairman, of \$383 million for that program. The committee also agreed with his recommendation to add \$240 million in funding for the environmental protection programs and \$50 million for community development financial institutions, both priorities of the administration, identified as such in the President's veto message of the VA/HUD bill.

In the Interior bill, the committee concurred with Senator GORTON's recommendation that we want to refine the language on the Tongass National Forest and the salvage timber provisions of last year's rescissions bill, both in response to the President's objections listed in his veto message. We also recommended greater funding for the Park Service.

In addition, we adjusted funding levels in the Labor-HHS bill to provide for \$6.5 billion for title I of that bill, compensatory education; \$3.245 billion for education for the handicapped; \$200 million for drug free schools. These are ample sums and all have been identified as priority programs of the administration.

Mr. President, let me underscore this sentence. All of this was done within existing constraints. In other words, it was done within the constraints of the budget resolution passed by the Congress.

But, in addition to these—in addition—our committee recommended \$4.7 billion in additional money—add-on, increase—for an array of programs that the President had requested and that the committee believes should be funded if—if—the additional resources can be found.

In total, the committee provides about \$6.2 billion in response to a request of the administration for about \$8 billion for programs of interest to the President. We went to \$6.2 billion

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