

that gap. It is not just about discretionary domestic spending cuts. We will never get where we need to be going down that road. We are going to get to it by a combination of things, and that is why Senator SNOWE and I feel very strongly about bringing this bill to the floor to talk about growing and encouraging job creation, particularly by small businesses, innovators, entrepreneurs, inventors, and risk takers who need and rely on this program to launch new and exciting businesses that benefit us all.

Whether it is in the State of Oregon, the State of Louisiana, or, as I said, Massachusetts, New York, or California, we have literally thousands of companies that have used this program successfully to grow. Our people are employed, and America is continuing to lead in many areas. Unfortunately, we don't lead in every area, but in many areas in new emerging technology, depending on the field, of course, we are very proud of this Federal program, and it is an example of a program that works.

If we could work as well as this program does in doing our work this week and getting this bill actually off the floor intact—with some amendments, of course, that will be voted on—and get it over to the House, let them do their work, and get this bill to the President's desk, we will have done some good work this week.

Mr. President, I am going to suggest the absence of a quorum. I don't see anyone else on the floor. There may be Members who will want to come to talk about amendments. There will be nothing that will be pending for the next few hours, and hopefully we can get an agreement later on tonight.

THE PRESIDING OFFICER (Mr. MERKLEY). The Senator from Maine.

Ms. COLLINS. Mr. President, unfortunately, all too often it seems Federal agencies do not take into account the impacts to small businesses and job growth before imposing new rules and regulations. And so, I am introducing three amendments to the Small Business Reauthorization bill to force Federal agencies to cut the redtape that impedes job growth.

The first of my three amendments requires Federal agencies to analyze the indirect costs of regulations, such as the impact on job creation, the cost of energy, and consumer prices.

Presently, Federal agencies are not required by statute to analyze the indirect cost regulations can have on the public, such as higher energy costs, higher prices, and the impact on job creation. However, Executive Order 12866, issued by President Clinton in 1993, obligates agencies to provide the Office of Information and Regulatory Affairs with an assessment of the indirect costs of proposed regulations. My amendment would essentially codify this provision of President Clinton's Executive Order.

My second amendment obligates Federal agencies to comply with public no-

tice and comment requirements and prohibits them from circumventing these requirements by issuing unofficial rules as guidance documents."

After President Clinton issued Executive Order 12866, Federal agencies found it easier to issue so-called guidance documents, rather than formal rules. Although these guidance documents are merely an agency's interpretation of how the public can comply with a particular rule, and are not enforceable in court, as a practical matter they operate as if they are legally binding. Thus, they have been used by agencies to circumvent OIRA regulatory review and public notice and comment requirements.

In 2007, President Bush issued Executive Order 13422, which contained a provision closing this loophole by imposing "Good Guidance Practices" on Federal agencies, which requires them to provide public notice and comment for significant guidance documents. My amendment would essentially codify this provision of President Bush's Executive Order.

My third amendment helps out the "little guy" trying to navigate our incredibly complex and burdensome regulatory environment. So many small businesses don't have a lot of capital on hand. When a small business inadvertently runs afoul of a Federal regulation for the first time, that first penalty could sink the business and all the jobs it supports. My amendment would provide access to SBA assistance to small businesses in a situation where they face a first-time, nonharmful paperwork violation. It simply doesn't make sense to me to punish small businesses the first time they accidentally fail to comply with paperwork requirements, so long as no harm comes from that failure.

Each of the provisions of these amendments have been endorsed by the National Federation of Independent Business, NFIB, and the Small Business and Entrepreneurship Council. I urge my colleagues to support these important amendments to our regulatory system.

MORNING BUSINESS

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

THE PRESIDING OFFICER (Mr. BENNET). Without objection, it is so ordered.

NOMINATION HOLD

Mr. WYDEN. Mr. President, last year, I was disappointed to hear that some members of the Oregon National Guard who were demobilizing at Joint Base Lewis-McChord, JBLM, were not given access to all of the medical treatment to which they were entitled. Further, a document surfaced that showed that medical staff at the facility were

being taught to believe that National Guard soldiers were not equal to active-duty soldiers and were to not receive the same standard of care.

Several investigations into the incident were conducted by the Army. However each of the reports was classified as a medical quality assurance document, preventing anyone, including myself, from seeing them.

I have been working with Secretary of the Army John McHugh to try to resolve this issue. I also hope to meet with Ms. Jo Ann Rooney—who, has been nominated to be Principal Deputy Under Secretary of Defense for Personnel and Readiness, and if confirmed, would be involved in shaping policy regarding the demobilization of National Guard troops—so that we can discuss this issue.

However, until I am satisfied that the Army has conducted a proper investigation of the incidents at JBLM, is working to resolve any problems that exist, and that Ms. Rooney will work to ensure that all servicemembers receive the care and benefits they have earned, I cannot allow Ms. Rooney's nomination to proceed.

Therefore, I will object to any unanimous consent agreement to consider Ms. Rooney's nomination. Thank you for your assistance in this important matter.

ADDITIONAL STATEMENTS

TRIBUTE TO HAL TURNER

• Ms. LANDRIEU. Mr. President, I have come to the Senate floor many times before to speak about the important role that Louisiana sheriffs play in our State. Our sheriffs are unique among their nationwide counterparts in three distinct ways: in that they serve as the chief law enforcement officer of the parish, the chief executive officer of the parish court, and the official tax collector for their parishes. This position, established in our State Constitution, gives our sheriffs a highly influential and distinct position of power and responsibility.

Today I have come to commemorate one of our State's most distinguished sheriffs, and a true leader within our law enforcement committee, Hal Turner. Late last week, I learned that Hal, the executive director of the Louisiana Sheriffs' Association, LSA, will be retiring at the end of March. He has served in this important role since 2004, and is only the third individual to do so since the LSA's inception in 1938. While I am sad to see him leave, I would like to take a moment to honor Hal, his over 30 years of public service, and the many contributions he made to Louisiana.

Hal began his law enforcement career in 1980 and rose through the ranks of the Allen Parish Sheriff's Office from patrol deputy to criminal investigator. From the beginning he knew that law enforcement was something he "wanted to do," but later in life he would