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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

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House of Representatives

The House was not in session today. Its next meeting will be held on Friday, January 13, 1995, at 10 a.m.

Senate

THURSDAY, JANUARY 12, 1995

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer will be led by the guest chaplain, the Reverend Mark Edward Dever, pastor of the Capitol Hill Baptist Church, Washington, DC.

PRAYER

The guest chaplain, the Reverend Mark Edward Dever, Ph.D., offered the following prayer:

O Heavenly Father, and most just Lord, we come to you acknowledging You as Creator of all, Upholder of all, and Judge of all.

We do pray for this Chamber in its deliberations today that it would express not only Your power and authority, but also Your demand for justice. Among mountains of details, limitations of time, and consequences beyond their knowledge, help them to establish and maintain justice. Lead them to decisions that are equitable. Aid them in reflecting Your righteousness.

We know that in this broken world, no set of privileges can completely protect any of us from injustice. In great and little ways, each of us has been wronged. So, Lord, we long for justice. Yet, we confess that though we speak big words about justice in public, we too easily will injustice on others in our personal life for petty prizes and small gains. Thank You, Lord, for being so careful of us, when we are often so careless of others, and of You. Help these Senators not to be intoxicated by power, but to remember that they rule by permission. Help us as a nation, Lord, to realize that even we, the people of this Nation, rule only by permission; that You alone rule by right. In Your heart, we see unwavering justice tempered by costly mercy. Teach us Your ways. In the name of the One who was judged for us, and who will judge us all, Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m, with Senators permitted to speak for up to 5 minutes each.

Under a previous order, the Senator from Iowa [Mr. GRASSLEY] is recognized to speak for up to 10 minutes.

Mr. LOTT. Mr. President, first I would like to yield for a unanimous-consent request from the Senator from Oregon.

Mr. HATFIELD addressed the Chair.

ACCOLADES TO GUEST CHAPLAIN

Mr. HATFIELD. Mr. President, I thank the acting majority leader.

Mr. President, I would like to take this occasion, again, to thank the Reverend Mark Edward Dever who has very faithfully presided over the opening of this session as the chaplain from Monday through Friday of this week.

Mr. President, I would ask unanimous consent at this time to place in the RECORD a résumé of the very distinguished career of this young pastor of the Capitol Hill Baptist Church, who has his baccalaureate degree from Duke University; his master of divinity from Gordon-Conwell in Massachusetts; his master of theology from Southern Baptist Theological Seminary in Louisville; and his doctor of philosophy from Cambridge University in England; and other materials relating to his distinguished and very young career, including publications, honors, and recognitions. I thank the acting majority leader.

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

MARK EDWARD DEVER

EDUCATION

Doctor of Philosophy [Ph.D.], Cambridge University, England.

Major Area of Study: Ecclesiastical History.

Thesis: ''Richard Sibbes and the 'Trully Evangelicall Church of England.'''

Supervisory Professor: Dr. Eamon Duffy.

Date of Completion: July, 1992.

Master of Theology [Th.M.], The Southern Baptist Theological Seminary, Louisville, KY.

Major Area of Study: Historical Theology.

Thesis: ''Representative Aspects of the Theologies of John L. Dagg and James P. Boyce: Reformed Theology and Southern Baptists.''

● This ''bullet'' symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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Supervisory Professor: Dr. Timothy George.

Date of Completion: December, 1987.

Master of Divinity [M.Div.], *Gordon-Conwell Theological Seminary, South Hamilton, MA.*

Graduation Honors: Summa Cum Lauda.

Date of Completion: May, 1986.

Bachelor of Arts [B.A.], *Duke University, Durham, NC*

Graduation Honors: Magna Cum-Laude.

Major Area of Study: History (concentration in medieval Europe). Religion (concentration in New Testament studies).

Date of Completion: May, 1982.

MINISTRY POSITIONS

Pastor, Capitol Hill Baptist Church, 1994–present.

Associate Pastor, Eden Baptist Church, Cambridge, England, 1992–94.

Pastor, New Meadows Baptist Church, Topsfield, MA, 1985–86.

Pastoral Assistant, Topsfield Congregational Church, Topsfield, MA, 1982–85.

Ordained to the Ministry, First Baptist Church, Madisonville, KY, July 28, 1985.

OTHER ACTIVITIES

Teacher, Reformation Studies, Cambridge University, 1992–94.

Editor, *Cambridge Papers,* 1992–94.

Frequent Speaker at Conferences and Student Fellowship Meetings.

Supply Preacher, Eden Baptist Church, Cambridge, 1988–92.

Contributing Editor, *Paradigms,* 1988–89.

President, Inter-Varsity Christian Fellowship, Duke University, 1981.

PUBLICATIONS

''Providence,'' *Cambridge Papers* 2/2 (June, 1993).

''The Power of the Resurrection in the Christian's Life,'' *Christian Arena* 46/1 (March, 1993).

Review of Richard Muller, *God, Creation and Providence in the Thought of Jacob Arminius: Sources and Directions of Scholastic Protestantism in the Era of Early Orthodoxy,* in *Themelios*/18 (1993).

''Moderation and Deprivation: A Re-Appraisal of Richard Sibbes,'' in *Journal of Ecclesiastical History,* 43/3 (July, 1992), pp. 396–413.

''John Leadley Dagg,'' in *Baptist Theologians,* ed. David S. Dockery and Timothy F. George, Broadman Press, 1990, pp. 165–187.

''History of the Doctrine of the Church,'' in *Disciple's Study Bible,* Holman Bible Publishers, 1988, pp. 1722–1723.

''History of the Doctrine of Evangelism,'' in *Disciple's Study Bible,* Holman Bible Publishers, 1988, pp. 1730–1731.

Forthcoming: ''William Tyndale, Justification By Faith,'' *Building on a Sure Foundation,* (1995).

PROFESSIONAL MEMBERSHIPS

Tyndale Fellowship, 1989–present.

American Society of Church History, 1986–present.

Southern Baptist Historical Society, 1985–present.

American Academy of Religion, 1984–present.

HONORS AND RECOGNITIONS

J.B. Lightfoot Scholarship in Ecclesiastical History, Cambridge University, 1989–91.

Overseas Research Scholarship, Cambridge University, 1988–91.

Garrett Teaching Fellowship, Southern Seminary, 1986–87.

Student Commencement Speaker, Gordon-Conwell Seminary, 1986.

President's Award, Gordon-Conwell Seminary, 1986.

Departmental Award in Theology, Gordon-Conwell Seminary, 1986.

Phi Alpha Chi, Honor Society, Gordon-Conwell Seminary, 1986.

Byington Fellowship in Theology, Gordon-Conwell Seminary, 1984–86.

Dean's Honor List, Duke University, 1978–82.

BIOGRAPHICAL INFORMATION

Date of Birth: August 28, 1960.

Family Status: Married on June 5, 1982 to Constance Jane Willcutts. Patricia Anne, born April 25, 1985. William Nathan, born January 20, 1990.

Address: 508 East Capitol Street NE., Washington, DC 20003.

Home Telephone: (202) 544–5105.

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LOTT. Mr. President, this morning the time for the two leaders is reserved as noted, and there will be a period for the transaction of morning business not to extend beyond the hour of 10:30 a.m. At 10:30, the Senate will begin consideration of S. 1, the unfunded mandates bill. Under the unanimous-consent agreement, debate only will be in order on the bill prior to 2 p.m. today. Therefore, there will be no rollcall votes prior to 2 p.m. today.

I yield the floor, Mr. President.

PRIVILEGE OF THE FLOOR

Mr. GRASSLEY. Mr. President, first of all I ask unanimous consent that Veronica McCarthy, a fellow in my office, be permitted privilege of the floor.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I thank the Chair.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 209 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GRASSLEY. Mr. President, I yield the floor and turn back any time if I have it.

The PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 210 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. THOMAS. Mr. President, I yield the floor and yield back any remaining time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GREGG). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR CRAIG THOMAS

Mr. SIMPSON. Mr. President, just a few moments of remarks, a moment to reflect. You do not get many of those here in this Chamber.

It was a great honor and privilege last week to escort Wyoming's new Senator, my good friend, my old friend, CRAIG THOMAS, to the well of the Senate Chamber for his swearing-in ceremony. That meant a great deal to me, and I think to us both, as he took the oath and became Wyoming's Senator, and for me, indeed, as I watched my old boyhood friend mark another and very significant and great accomplishment in his own life.

It is a rare opportunity for me to serve with someone I have known nearly all my life. We go back a long way, growing up in Cody, WY. He was born in Wapiti, WY. Many say that is called Wapeaty, but it is not. It is the word for ''elk,'' Wapiti. And then he moved into Cody, 20 miles away, to my hometown. It was great fun to share those days together in the town founded by Buffalo Bill Cody himself, and we became friends and neighbors. In fact, we lived just across the alley from each other. He was a year behind me in high school, but he was the kind of person you noticed. He was fair, strong, good-hearted, very well liked by all his classmates, and none of us are at all surprised at how well CRAIG THOMAS has done. In fact, we are all very proud of him. I will say that we called him Lyle in those days. I should not bring that up. That was his name.

During those early years, CRAIG and I were each blessed to have two strong parents who nurtured, guided us, and were very patient with us. CRAIG's father was a schoolteacher. My dad was a lawyer in Cody, on the school board, very actively involved in education issues as well. Dad knew there was nothing more important than a good education. He had learned that from his father, CRAIG from his father. Both of our fathers instilled that goal in us, and we worked very hard to get it done. A lot of whatever success has come our way we owe to our parents.

CRAIG's dear mother is living. She was here the other day on that proud day. So is mine. Our families knew each other. Our loving parents were always a strong presence in our lives. And as I say, Marge was here and sons Patrick and Greg and, of course, a sister who was a classmate of my brother's and daughters-in-law and others of the family.

So then we, after high school, went to the University of Wyoming and not only hit the books but hit the tackling dummies. We played freshman football together for the Cowboys. And he went off to the Marines; I went off to the infantry.

Many years passed. Politics attracted us both. And now we find ourselves serving together in the Senate. Along the way we met and married two very special women. It seems we are very fortunate to have overmarried. I think

the road to this arena, the Senate, would have been a lot rockier had Ann and Susie not been strong and capable partners in our lives. CRAIG's wife Susie has dedicated her time, her energy, and her talents to the service of teaching, teaching of the learning disabled. And my wife Ann was a teacher, too, when we married over 40 years ago and has long been involved in many educational, artistic, and mental health issues. They have both been an inspiration to all who know them and are well dedicated to their strong commitment in making a difference in their communities, whether Wyoming or here.

Susie Roberts Thomas comes from Barnum, WY, a town so small that the zip code is a fraction. In fact, a fellow who lived there said once it was so small he thought its name was ''Resume Speed.''

Her father was Harry Roberts, who was superintendent of public instruction in Wyoming, a very wonderful man, and her mother Toni.

Well, the road here is not an easy one. As someone said, on the high road of humility in Washington, DC, you are not bothered by heavy traffic, and that is true. But nobody has paid his dues more generously and willingly than CRAIG THOMAS, and the toughness he picked up during his service in the Marine Corps has served him well in life and politics. It is a contact sport.

So CRAIG began his service in Wyoming and pursued his interests and his business and his activities and his work with the Wyoming Farm Bureau, the American Farm Bureau, and the Wyoming REA. I recall he used to lobby me on those issues with his remarkable brand of straightforwardness and candor. Now he is on the other side of that fence, and he will be the object of other lobbying efforts. I cannot wait for the REA to show up and begin to work him over on the budget. I hope I can sit in.

We both came to this Congress with ties to our State government. He served in the statehouse from 1985 to 1989. I served there for about 13 years. We did not serve concurrently, but we both kept the lines of communication wide open on issues of concern to Wyoming. And then in 1989, President George Bush selected Dick Cheney to be his Secretary of Defense. CRAIG had already built a strong network of friends and supporters, so he was tapped to ''lead the charge'' for Dick's seat. To no one's surprise, he won—and worked very hard to do it. Soon after, he was asked by the media if he would be another Dick Cheney, and he quickly quipped that he would not. He said, ''Where Dick would have accomplished something but perhaps would have done it through the 'insider route,' I would probably fuss more.'' And so he has. And Wyoming has been all the better for his ''fussing.'' He said once that no one would have been more pleased to see Dick Cheney Secretary of Defense than he in his whimsical, wry way of humor. He has never been a game player except on the sports field. He always tells you exactly how he feels and why, and he has a quality of outspoken honesty that is greatly appreciated out West where still to some their word is their bond.

And so now he has jumped in and become wet all over. As our old college coach said, ''Jump in and get wet all over.'' Now he comes here and joins the Committees on Energy and Natural Resources, Foreign Relations, Indian Affairs, and Environment and Public Works. It will be great having CRAIG and our new Representative, BARBARA CUBIN, too, the first woman Congressman to represent Wyoming in the Equality State's history—and we are known as the Equality State—it will be an honor to serve with her.

So we have swiftly ''jump started'' this session. We have all hit the ground running this year. There has been dramatic change in our lives, and the resulting challenges we face may be a bit tougher than in past years, but the rewards will be great, too.

His dedicated spirit will help us all. It gives me a genuinely warm feeling and a great deal of pride to welcome CRAIG THOMAS to the Senate. I cherish his friendship. He is a wonderful man, of great strength, great rich good humor. I hope neither one of us will recite the ''Cremation of Sam McGee'' from memory, certainly not in the Chamber. But perhaps at some time we will certainly do that for you.

So I look forward to working with him, my old friend, during this historic 104th session of the Congress. God bless him and his work for Wyoming.

I thank the Chair.

The PRESIDING OFFICER. The Senator from North Dakota, under the previous order, is recognized for 30 minutes.

THE REPUBLICAN CONTRACT: IT DOES NOT ADD UP

Mr. CONRAD. Mr. President, ever since the November 8 election, the Republican majority and the media have been talking about the Contract With America. The contract sets out the Republican agenda for the first session of the Congress, and it has many good elements in it. For example, I strongly support the Congressional Accountability Act, which will ensure that Congress lives by the same rules it imposes on everyone else. That is something that we almost passed in the last Congress and that is something we will pass in this Congress.

I support the unfunded mandates bill, which will make it more difficult for Congress to mandate State and local governments to establish programs unless Congress appropriates funding to pay for them. That also makes common sense. And it is also something we were working on in the last Congress. But when it comes to the budget and tax elements of the contract, there are two big problems.

First, the numbers just do not add up. There has been a lot of talk about what will not be cut, but the specific proposals on what Republicans believe should be cut fall far short of what is needed to balance the budget. And if the math does not work, the contract will balloon our deficits, explode the national debt, slow our economy, and leave future generations to clean up the mess.

Second, the tax cuts proposed by the Republicans are unfair because they are clearly designed to benefit the wealthiest among us far more than average Americans. And the program cuts necessary to finance these tax cuts, or the higher interest rates that will result when the Republicans fail to balance the budget as promised, will hurt the middle class. Let me explain why the contract does not add up and why it is unfair to average Americans.

We first have to look at the current budget outlook. The contract calls for a balanced budget amendment to the Constitution, which would require a balanced budget by the year 2002. I strongly support this goal. Deficit reduction has been at the top of my agenda since I came to the Senate in 1986, and I have spent an enormous amount of time working on the Federal budget, learning about it, and devising plans to put our fiscal house in order. Every year I have been in the Senate, I have offered comprehensive plans in the Budget Committee, or far-reaching amendments in the Budget Committee or on the floor of the Senate, to achieve more ambitious deficit reduction goals.

Unfortunately, the rest of the Republican contract that is before us makes it far more difficult to meet the balanced budget goal. According to the Congressional Budget Office, it will take more than $1 trillion in cuts over the next 7 years to reach a balance by the year 2002. That is what this chart shows. This is what is necessary to achieve balance by the year 2002—over $1 trillion in budget cuts.

This is not millions of dollars; this is not billions of dollars—this is a trillion dollars, one thousand billion dollars. And that is only if we do not do anything to make the problem worse before we start to solve it.

But the contract makes things far more difficult because it promises hundreds of billions of dollars in tax cuts, most of which would benefit the wealthy far more than average Americans.

The Republicans call it the Contract With America. I call it a Contract on the Middle Class. In order to pay for the tax cuts, the Republicans will have to cut an additional $364 billion in the next 7 years, much of it from programs that benefit middle income families. So let me be clear. If we do not do anything to make the problem worse before we begin to solve it, we need $1 trillion in cuts over the next 7 years to

achieve a balanced budget. But the Republicans suggest the first thing we do is not to cut the spending, but to cut taxes by $364 billion over 7 years. So they have dug the hole deeper. Instead of a $1 trillion problem to solve, they present us with a $1.4 trillion hole to fill.

This chart shows that. The blue indicates the $1 trillion necessary to bring the budget into balance. And if you add the $364 billion of tax cuts Republicans have called for, you then see we have a $1.4 trillion problem to solve.

In fact, the effects of these tax cuts will be worse than it appears from these charts. By design, the tax cuts are structured so that the adverse effects are not readily apparent until after the end of the 5-year budget window that Congress uses to measure the effect of proposed changes in taxes and entitlements. In the first 5-year period the tax cuts would cost $197 billion. But between fiscal years 2001 and 2005, their cost more than doubles to $514 billion. Over the 10-year period, those tax cuts cost $712 billion.

This is at a time when we already have a $1 trillion problem to solve over the next 7 years. Without going further on that point, let me just say this means we will have to make additional cuts after 2002 to keep pace with the growing cost of these giveaways to the wealthy and corporate America.

In addition, the contract calls for more spending on defense. Everyone wants a strong national defense, but the world has changed. We now spend more on defense than the next top 10 countries combined, even though there is far less danger to defend against than just a few years ago. In fact, we are the only remaining superpower in the world. Certainly we see this to be true when we look at the Russian Army that cannot even effectively deal with one element of its country that is in revolt.

The extra $82 billion the Republican defense buildup will add to our budget will raise the total cost necessary to reach balance by 2002 to a staggering $1.48 trillion—$1.48 trillion. So we start with a $1 trillion problem and the Republicans immediately proceed to add $364 billion of tax cuts and $82 billion of additional defense spending, making the hole deeper, making the problem bigger, and making the prospects of success more remote.

Just to put that in context, the entire Federal budget this year for everything but interest on the Federal debt is $1.36 trillion. That is, to reach balance by 2002, to pay for all of the proposals in the Republican contract, will require the equivalent of eliminating every Government program—except interest payments—for more than 1 year.

That would be a tough enough problem to address and to solve even if the Republicans in their contract did not do other things to make it even more difficult. But after all the Republican goodies are added on top of our current fiscal problems, we need to cut nearly $1.5 trillion in order to reach a balanced budget by 2002. Clearly that will not be easy.

You have heard our friends on the other side of the aisle suggest over and over that they are going to close this budget gap by cutting agriculture, maybe eliminating farm programs completely and by cutting welfare. Mr. President, that is less than 5 percent of the Federal budget. They have a long, long way to go. The only thing they have come up with so far is welfare, foreign aid, and agriculture, a small fraction of overall spending.

This chart shows where the money is going in the 7 years leading up to 2002. We are going to be spending—if we do not make changes—and clearly we must—some $13.2 trillion over the next 7 years. Where is the money going? Interest is just over $2 trillion, and defense is just over $2 trillion. In fact, we are going to be spending more on interest than we are going to be spending on defense over that 7-year period. Medicaid will be about $1 trillion. Social Security will be almost $3 trillion. Foreign aid will be $162 billion, a little sliver of the spending pie. Domestic discretionary spending will be $2 trillion. Medicare will be nearly $2 trillion. And agriculture, that I hear the other side talking about so loudly, is far less than 1 percent of the budget over this period, only $87 billion. This little tiny sliver here on the chart is agriculture. All other Federal spending over that period will be about $1 trillion.

Mr. President, it's clear we cannot balance the budget just by cutting agriculture programs, cutting foreign aid, and cutting welfare. That is less than 5 percent of what we spend. That is not going to do the job. Once again, we have public statements that sound good but just do not stand up to budget reality. They just do not add up. What we have is a Republican credibility gap.

Unfortunately, instead of giving us a detailed plan that tells us what they are going to cut in order to reach their goal, the Republicans have been telling us what they will not cut. First, they say we cannot cut interest payments on the Federal debt. Of course, that is true. If we did try to cut interest payments, the Federal Government would default and the economy would be thrown into turmoil. This takes over $2 trillion off the table of the $13 trillion we are going to be spending over the next 7 years.

Second, the contract authors say they are not going to cut Social Security. That takes an additional $2.9 trillion off the table.

Third, the contract authors have promised to increase rather than decrease defense spending. So cuts in defense spending are also off the table. That removes another $2.1 trillion from consideration. In fact, after the contract authors have finished making their promises, more than half of the budget is off the table. More than half of the budget cannot be considered in order to solve the budget problem that we face.

On the other side of the ledger, the Republicans have detailed only $277 billion in spending cuts over the next 7 years. Mr. President, I earlier outlined the extent of the problem. If we are going to balance the budget over the next 7 years we have to make cuts of $1.48 trillion, almost $1.5 trillion. The Republicans have so far identified $277 billion of cuts. That leaves the Republicans with a credibility gap of $1.2 trillion—not million, not billion, but trillion. The size of the problem is $1.5 trillion but they have identified less than $300 billion of budget cuts. That means somewhere out there is $1.2 trillion of budget cuts our Republican friends have failed to identify.

We have heard the good news from our Republican friends. But as Paul Harvey would ask, ''What is the rest of the story?'' They have only two choices. Either the Republicans detail Draconian cuts in programs to close this gap or they fail to balance the budget by 2002.

This failure to talk about specific spending cuts sounds like deja vu all over again. We have heard it all before, Mr. President. History reminds us of the failed trickle down economics of the 1980's. They can say it is a new Contract With America. They can put new clothing on it, but it is the same old trickle down theories, the same old voodoo economics.

History also tells us that faced with a choice between making tough specific spending cuts to pay for their proposals and letting the budget run out of control, the Republican Party will balloon the deficit and run up more and more red ink.

In the 1980's President Reagan came to town promising huge tax cuts, increased defense spending, and a balanced budget. Does it sound familiar? Well, it is. It did not work then. It is not going to work now.

Instead, during that period the average annual deficits under Presidents Reagan and Bush were five times that under President Carter. The national debt tripled under President Reagan, from $900 billion to $2.6 trillion, and grew by half again under President Bush to $4 trillion.

Mr. President, all we have to do is go back and look at what happened when we previously relied on this economic theory. Here is the budget deficit line. From 1940 to 1980, the national debt of the United States was relatively stable. But the Republicans came to town in 1980 with this theory that they could cut taxes, increase defense spending, and somehow the budget would be balanced—even though it was not balanced when they began. It proved to be a complete fraud and hoax. Mr. President, this is what happened. We very nearly destroyed the economy of this country by creating a fourfold increase in the national debt.

Mr. President, these debts did not finance investment in our future. Instead, they reduced our national savings. The result was record high real interest rates.

This chart shows exactly what happened to interest rates as a result of those failed economic policies. From 1968 to 1973, real long-term interest rates, the difference between the interest people paid and the rate of inflation, was less than 1 percent. From 1974 to 1979, real interest rates, the difference between inflation and the interest rates people paid was a negative point 6 percent. But look at what happened from 1980 to 1989 to real interest rates. The difference between the level of inflation and the interest rates people paid was 5.5 percent—record high real interest rates. What did that do? It stopped economic growth in its tracks, it killed job creation in this economy, and it weakened us for the future.

RECORD high real interest rates means that we invested less in the 1980's than in previous decades resulting in less economic growth for the future, stagnating wages, and a bigger struggle for the average guy to get ahead. It is true. The rich got richer but the middle class got nothing in the 1980's.

These policies squeezed the middle class while better off Americans, the top 20 percent of earners, saw their incomes increase. In fact, this chart shows the changes in family after-tax incomes by income group from 1977 to 1992.

Here is what happened. The bottom 20 percent in our country, the lowest one-fifth in terms of income, saw their after-tax incomes decline 12 percent. The next 20 percent in our country saw their incomes decline 10 percent. The next 20 percent of the income ladder in this country saw their incomes decline 8 percent.

This is the harsh reality of what occurred under a flawed economic policy and plan. Those 60 percent of Americans in the lowest income categories saw their incomes decline during this period. The next 20 percent of the people in this country saw their incomes rise a modest 1 percent. But look what happened to the top 1 percent. The top 1 percent saw their incomes increase 136 percent.

The facts are startling. Working men without college degrees—about three-fourths of all working men—saw a 12-percent decline in real wages since 1979. It is no wonder they are angry; it is no wonder they are upset; it is no wonder they are anxious about the future.

Average weekly compensation has actually fallen to its lowest level since 1960. The only reason that real median family income stayed level overall is because families have added additional earners. My family is an example. I was raised by my grandparents and grew up in a middle class, extended family, with three uncles and aunts and their families in my hometown. In our family—like most middle-class families at that time—the mothers were able to stay home until the kids went to school. Now, in my generation, with 13 grandchildren—all with advanced degrees—every single family has both spouses working to maintain the same middle-class existence. This is not just the reality of the Conrad family. It is the reality of every family in America, and it is, in part, because of a flawed economic policy and plan that was put in place in the 1980's—a plan that proved to be an economic disaster for this country.

Meanwhile when middle-class incomes were falling, the cost of health care, a college education, and homes were rising faster than inflation, squeezing the middle class. Middle-class incomes are buying less and middle-class families are saving less. At the same time, the pay of the average chief executive officer of a corporation, has risen from 29 times as much as the average worker in 1979 to 93 times as much as the average worker today. It is no wonder, I suppose, that a major corporation gave $2.5 million to the Republican Party in the last campaign. They like this policy. This policy is good for them. I understand that. They are looking out for their economic self-interest.

Mr. President, our obligation here in this Chamber is to look out for all Americans, not just the wealthiest 1 percent, not just those at the top of the income ladder, but everyone.

If we look at the tax provisions of the contract, we see more of the same trickle down economic theory. I would like to focus for a few minutes on some of the tax provisions proposed in the contract, because they point so clearly to why the contract is not fair, why it is more of the same old trickle down economics that hurt the middle class in the 1980's.

Middle-income Americans are being led to believe that the tax changes proposed by the Contract With America are directed primarily at them. Nothing could be further from the truth. In fact, only 46 percent of the contract's proposals benefit families with incomes under $100,000.

Mr. President, this chart shows that reality. A majority of the benefits—54 percent—go to families with incomes greater than $100,000, only about 3.5 percent of all Americans. Put another way, only 46 percent of the proposed Republican tax cuts go to benefit the 96.5 percent of Americans who earn less than $100,000, while 54 percent of the benefits go to 3.5 percent of the people who earn more than $100,000 per year. That is the old trickle down economics. That is the way it worked then and that is how it would work now. It is no wonder the middle class got left behind in the 1980's. And if such a policy is enacted now, they would be the first ones hurt in the 1990's.

All in all, almost one-third of the benefits under the Republican plan go to households with incomes of more than $200,000. That is how the Republicans targeted this plan—with one-third of the benefits going to the top 1 percent.

Mr. President, I think it is useful to look more closely at a few of the tax proposals—the major ones—that our friends in the Republican Party have proposed. Let's examine them and see who benefits.

The most costly of the tax cuts in the contract are aimed at the very wealthy. For example, 95 percent of the benefits from the expanded IRA provision would accrue to the top 20 percent of income earners, at a net cost of $45 billion over 10 years. This chart shows how that works. Ninety-five percent of the benefits of the IRA tax incentive they have proposed go to the top 20 percent of income earners who are more likely to already benefit from other tax-favored pension and retirement plans, while only 5 percent of the benefits go to 80 percent of the population.

Capital gains tax relief, which has also been proposed, strikes a chord with many Americans, including some of my constituents who are small business owners or farmers. The proposal in the contract is not a reasonable relief measure, however. Again, it benefits primarily the wealthy. In fact, almost half of the benefits from the capital gains provision would accrue to the wealthiest 1 percent of the population.

It should be pointed out that, through indexing and direct exclusion, taxes would be eliminated on most capital gains profits. The overwhelming winners would be higher income individuals who hold stocks and bonds, while no change would be made in the treatment of interest income from the savings accounts that ordinary middle-class Americans hold. For interest earnings, no adjustment for inflation or exclusion from taxation would be provided. This is the reality of the Republican Contract With America.

Mr. President, I do not know what can be more clear. This shows that the top 1 percent of income earners receive 50 percent of the benefits of the proposed capital gains tax cut. The other 50 percent goes to the other 99 percent. This is the Republican idea of equity. It is not my idea of equity, not my idea of fairness, not my idea of an economic plan that is right for America.

Tax cuts that benefit primarily the wealthy are particularly ironic in view of the fact that I mentioned earlier—income for the top 20 percent of the population has dramatically increased over the past 20 years. I am glad to see that. But what happened to the rest of the folks in this country?

As I noted earlier, the next 20 percent saw a 1 percent gain, and the income of the bottom 60 percent in this country actually declined. This is the reality. In fact, the wealthy are taking home the largest share of national income ever. Yet, the contract proposes tax cuts to ensure that the wealthiest become even wealthier.

The problem is further compounded by the certainty that while upper income families are receiving the benefit of the lion's share of these tax cuts, they secure a much smaller percentage of their income from Government benefits than average families at lower- and middle-income levels. Upper income families would be affected the least by budget cuts necessary to balance the budget and pay for further tax cuts, primarily for their benefit.

We are giving these benefits to the wealthy at a very high price to the country. At a time when we should be focusing on fiscal restraint, further deficit reduction and spending cuts, the Republicans instead are focusing on tax cuts.

The proposals in the contract are simply a recycling of the hollow promises from 1981: large tax cuts, defense spending increases, and a balanced budget. That is what they said then; that is what they are saying now. They did not keep their promises then and they can't do it now.

The Reagan administration predicted the economy would improve from a $55 billion budget deficit in 1981 to a surplus of $5.8 billion in 1985. In reality, the Federal deficit actually rose during that period to $212 billion—another gap between rhetoric and reality. They inherited a deficit of $55 billion and they ran it up to $212 billion, all the while saying they would achieve a surplus.

Mr. President, the contract is just as irresponsible. The contract's tax cuts will cost $364 billion, and the Republican defense increases will add another $82 billion. That means the Republicans need $1.4 trillion of spending cuts to balance the budget by the year 2002. Let me repeat: The Republicans need $1.4 trillion in spending cuts over the next 7 years to balance the budget after their tax cuts and after their defense increases.

But where are their spending cuts? Where are they? ''Where is the beef?'' The only specific cuts the contract identified add up to $277 billion over the next 7 years, not even enough to pay for their tax cut proposal, let alone start to balance the budget.

The bottom line is that there is a $1.2 trillion—not million, not billion, $1.2 trillion—Republican credibility gap, the gap between Republican rhetoric and Republican reality. It gives new meaning to the phrase ''Don't ask, don't tell.'' That is the economic policy the Republicans are asking the American people to buy—a pig in a poke. ''We will balance the budget.'' The problem is $1.4 trillion. They have shown $277 billion of spending cuts. Where is the rest? Where is the other $1.2 trillion?

You really have to wonder what the Republicans are hiding from the American people.

We have seen these sorts of promises before, so we know what is going to happen. These tax breaks for the wealthy will end up busting the budget and the middle class will get stuck with the bill in one of two ways. Either they will be paying through huge cuts in middle class programs, from Medicare to student loans to keeping our highways in good repair, or they will pay with higher interest rates on home loans, car loans, and educational loans, and economic stagnation caused by falling investment in our future.

The Republicans have been enormously successful at selling their contract as a benefit to the middle class.

Mr. President, the reality is that, hidden in the fine print of the contract, are enormously expensive tax breaks for the wealthy that will bust our budget.

Instead of talking about more defense spending and tax breaks for the wealthy, the Republicans need to tell us their specific proposals for balancing the budget. Where are they going to cut the other $1.2 trillion necessary to balance this budget? That is $1,200 billion.

We are waiting to hear from the Republicans. Where are they going to make the cuts specifically? Not these nostrums, ''Oh, we will maybe eliminate agriculture funding.''

In closing, let me again say we have heard this all before. There was a credibility gap in the 1980's between what the Republicans promised and budget reality. Earlier, I said the Contract With America was a contract on the middle class.

I would warn those middle class Americans who listened to the promises of the Republicans in the 1980's. What happened to you? What happened was the rich got richer, the poor got poorer, and the middle class paid the bill.

Mr. President, political rhetoric in a campaign is one thing. Performing when one has the responsibility of governing is another thing. I call on the Republicans and I challenge the Republicans to come forward with their plan to balance the budget.

What are they going to do to close the gap between the $1.48 trillion necessary to balance the budget over the next 7 years and the paltry $277 billion of budget cuts they have identified? Where is the other $1.2 trillion the Republicans need in spending cuts in order to balance this budget?

We are waiting. The American people are waiting. We wait with great interest to see how our friends on the other side of the aisle will begin to close the gap between rhetoric and reality.

I thank the Chair and I yield the floor.

NATIONAL AUTISM AWARENESS WEEK

Mr. HARKIN. Mr. President, I rise today in honor and recognition of National Autism Awareness Week, January 9–15. Many of you may recognize autism from Dustin Hoffman's character in ''Rainman.'' What some of you may not know is that autism is a neurological disorder that affects some 380,000 individuals in the United States today. Individuals with autism often have trouble with communication and social interaction; their brains don't process information in the same manner as yours or mine. Yet, some forms of autism are mild and individuals can be extremely talented in areas like math or music. Because of this vast range of impairment, autism is referred to as a spectrum disorder. It is a bewildering disability—a mystery science is still trying to unravel.

As we recognize National Autism Awareness Week, it is fitting that we also recognize the Autism Society of America, currently celebrating its 30th anniversary. The society offers those affected by autism and their parents and families, support and advocacy. The society has also been a persistent force on Capitol Hill, and I have been pleased to work with the society in our joint effort of advocating for increased funding for biomedical research. Last year, I was proud to play a role in directing the national Institutes of Health to hold the first ever national workshop in autism which is scheduled for this spring. This year I am looking forward to the findings and conclusions of the workshop.

Understanding is the beginning of acceptance and support. Awareness of the autism spectrum disorder is critical to further research efforts, eradicating discrimination and stigmatization, and improving the quality of the life of individuals with autism, as well as that of their friends and families. That is why it is important to recognize this week, and every week, as National Autism Awareness Week. The work we have before us cannot be completed in 1 week out of every year. It will require all of us, and every week.

Mr. President, I ask my colleagues to join me in recognizing this week as National Autism Awareness Week.

MEMORIAL TO BILL SMULLIN

Mr. HATFIELD. Mr. President, with the passing of Bill Smullin, Oregon has lost another of its pioneers. Bill was for over 50 years a legendary figure in broadcasting and was, in the words of a National Association of Broadcasters chairman, ''a great standard-bearer for all broadcasters.''

Growing up in the shadow of Mt. Hood as the son of homesteaders, Bill Smullin was one of the first newspapermen to make the transition to broadcasting. Acquiring first radio, then television and cable operations, Bill built his California Oregon Broadcasting Co. into a sophisticated, cutting-edge system which featured the best technology had to offer.

Bill's interest in serving rural areas was avid. In an effort to ensure that smaller television markets had access to films, he helped form Television Station, Inc., in the 1960's, which bought and distributed films to rural stations. About the same time, Bill

formed Pacific Teletronics, a microwave company which brought rural residents television programming from stations located hundreds of miles away.

His contributions to the broadcasting profession's development were also numerous. He helped found and organize associations of broadcasting awards from both organizations. Five years ago he was named recipient of the National Association of Broadcaster's highest honor, the Distinguished Service Award. At a ceremony held during the NAB's annual convention, Bill was given the award commemorating his then-57 years of service to the industry. True to form, Bill used this forum not to reflect upon his personal successes and the advances of the broadcasting industry. Instead, Bill took the opportunity to share his concerns about congressional oversight actions were underway at that time.

Bill Smullin was never one to rest on his many laurels. He gave much to the southern Oregon community where he made his home, to several educational institutions in Oregon and California, and to community hospitals. He was a legendary figure and a friend, and I send my sympathies to his family and friends as we mourn our loss.

DEATH OF JIM FLEMING

Mr. MURKOWSKI. Mr. President, it was great sadness that I learned the death of Jim Fleming last week. Jim, as all my colleagues know, has been the administrative assistant to our colleague, Senator FORD since 1975. During that time he also served as Senator FORD's staff for matters coming before the Committee on Energy and Natural Resources and its predecessor, the Committee on Interior and Insular Affairs.

Mr. President, Jim Fleming was one of the true professionals who are responsible for the operation of the Senate. He was respected and liked by the staff on both sides of the aisle. During the 14 years that I and my staff have known him, he was always considerate and helpful. His expertise will be sorely missed not only in areas such as uranium enrichment and utility regulation, but on all the other issues that come before the committee where he was able to see where the differences on issues lay and where a constructive compromise was possible. I know that his death will be an enormous loss to Senator FORD, but it will also be a major loss for our committee and our Members and staff who have known and relied on him for these years.

I want to express my deepest sympathies to his two children and my sincere condolences to Senator FORD. Jim had been with Senator FORD since 1967 and I know how close their relationship has been. We will miss him as well.

TRIBUTE TO EDUARDO MATA

Mrs. HUTCHISON. Mr. President, I rise today to mourn the passing of the greatest Mexican conductor of recent years, who was a fixture in the culture of Dallas since 1977.

Eduardo Mata was born in Mexico City in the 1940's, studied at the Mexican National Conservatory, and won a Koussevitzky Fellowship to study at Tanglewood with Max Rudolf, Erich Leinsdorf, and Gunther Schuller. He led several orchestras before becoming music director of the Dallas Symphony in 1977. He has been beloved throughout north Texas ever since, because he brought the symphony into the first rank of American orchestras.

He was also important to the musical life of our Nation because he championed a number of Latin American composers whose works had been neglected in the United States. He made a point of programming their works in concerts around the country and recorded many of them in Caracas with the distinguished Simon Bolivar Symphony Orchestra.

Mr. Mata died recently when his plane crashed in Mexico, but his recordings and performances remain dear to all who heard them.

Mr. President, Texans will miss his lively presence at the podium of the wonderful Morton Meyerson concert hall, but we celebrate the hall itself, which Mata encouraged Dallas to build. We will also continue to enjoy the orchestra he built as it fills that hall with music from every continent.

THE WALLOWA COUNTY-NEZ PERCE SALMON HABITAT RECOVERY PLAN

Mr. PACKWOOD. Mr. President, I rise today to congratulate a very special effort by a group of Oregonians that could serve as a model for this body in the 104th Congress.

Wallowa County in the northeast corner of my home State is one of Oregon's smallest counties. Yet, that has not stopped the devastating effects of the sole-purpose Endangered Species Act from being felt there. Just this year alone, two sawmills have closed in Wallowa County, taking away over 100 jobs. This is a significant impact on a population of only 7,000.

Every Senator knows my feelings on the Endangered Species Act, and the critical need that it be changed to reflect the needs of people as well as bugs and plants. I am quite hopeful that we will soon reform this act so that the families in Wallowa County and throughout Oregon who have been so gravely injured by it can be made whole.

But I will not use my time today to restate my concerns about the Endangered Species Act and the tens of thousands of families whose hopes and dreams it has shattered in my State in the past 5 years. Instead, I want to focus on the positive response the people of Wallowa County have had to the listing of several species of salmon on the Columbia-Snake River System.

Residents of Wallowa County and representatives of the Nez Perce tribe, in cooperation with the U.S. Forest Service, have developed the Wallowa County-Nez Perce Salmon Habitat Recovery Plan. This plan is a responsible, locally developed effort to protect not only habitat for threatened and endangered species, but also to protect the people of northeastern Oregon and their economic base. This plan takes into account the deteriorating condition of the northeast Oregon forests, as well as the need for timber cutting and salvage, species protection, cattle grazing, and other uses.

Here is a working example of what Americans asked for when they went to the polls. This is not some huge new bureaucratic effort seeking to manage the public lands of Wallowa County by remote control from Washington, DC. Instead, the people affected put their heads together, and using the best information available, crafted a workable, meaningful plan. If there was any single message last November, it was a cry for less Government intrusion. My friends in Wallowa County have been sending that message for a long time.

The bureaucracy's response was, unfortunately, predictable. The National Marine Fisheries Service and the Forest Service have refused to adopt this site specific plan that can be put into place, and begin to have a positive effect, immediately. Instead, these agencies have settled on waiting for an overall framework called ''PACFISH,'' to be ready for implementation. PACFISH is not site specific, and calls for extensive nonmanagement areas. It certainly was not developed with Wallowa County's specific needs in mind, and reflects now-outdated radical preservationist dogma.

I believe that the citizens of Wallowa County, who, after all, are the ones who have to live with any final decisions that are made, deserve a great deal of credit for developing the Wallowa County-Nez Perce Salmon Habitat Recovery Plan. I believe this document should, and will, become the lead plan for salmon habitat recovery in Northeast Oregon.

There is hope for the families of Wallowa County in this Congress. I believe we will be able to take strong action to reform this Nation's restrictive environmental laws and regulations. Until that day comes, however, the families of Wallowa County are not simply waiting for change. They are promoting change, and sending us a message that is unmistakable. I hope we are all listening.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, I doubt that there have been many, if any, candidates for the Senate who have not solemnly pledged to do something

about the enormous Federal debt run up by the Congress during the past half-century or more. But Congress, both House and Senate, has never toned down the deficit spending that sent the Federal debt into the stratosphere and beyond.

We must pray that this year, inasmuch as the American people spoke so clearly this past November, will be different, that Federal spending will indeed be reduced drastically. Indeed, if we care about America's future, there must be some changes.

You see, Mr. President, as of the close of business yesterday, January 11, the Federal debt stood, down to the penny, at exactly $4,802,565,300,968.62. This means that on a per capita basis, every man, woman, and child in America owes $18,230.62 as his or her share of the Federal debt.

Compare this, Mr. President, to the total debt about 2 years ago—January 5, 1993—when the debt stood at exactly $4,167,872,986,583.67, or averaged out, $15,986.56 for every American. During the past 2 years, that is during the 103d Congress, the Federal debt increased over $6 billion.

This illustrates, Mr. President, the point that so many politicians talk a good game—at home—about bringing the Federal debt under control, but vote in support of bloated spending bills when they get back to Washington. If the Republicans do not do a better job of getting a handle on this enormous debt, their constituents are not likely to overlook it 2 years hence.

CONCERNING SHEILA BURKE

Mr. THURMOND. Mr. President, over the past 10 years, the one individual who has been perhaps more closely associated with the new majority leader, Senator BOB DOLE, than any other person is his former chief of staff, Sheila Burke.

A graduate of the University of San Francisco with a bachelor of science in nursing, Sheila worked in the medical field in California and New York before joining Senator DOLE's staff in 1977 as a legislative assistant. Known for his ability to recognize individuals with talent and ability, Senator DOLE soon moved Sheila on to a number of position of greater importance and responsibility. In the following 18 years, Sheila has worked as a professional staff member and deputy stafff director on the Finance Committee, as the deputy chief of staff to the majority leader, and as chief of staff to the majority leader and the Republican leader. While in every instance she has distinguished herself as an individual of great intelligence and dedication, she truly proved her mettle during her tenure as the leader's chief of staff. Sheila knew every piece of legislation at least as well as the person who wrote it. She was always able to provide valuable advice to BOB and to any Republican Senator. Her dedication and sense of purpose not only served us well, but it earned her the respect of Members on both sides of the aisle.

As we all know, the life of a top-level aide to a U.S. Senator is demanding, especially if the Member is in a leadership position as Senator DOLE.

It can often be difficult for a staffer to balance the responsibilities of his or her professional and personal lives, though this appeared to pose little trouble for Sheila. Not only is she the proud mother of three children, Sheila was able to find the time to earn a master's degree in public administration from Harvard University's prestigious and challenging John F. Kennedy School of Government. I doubt that I would be exaggerating if I said that the faculty at Harvard probably learned more about government from Sheila than she did from them.

After many years of service to Senator DOLE, Sheila is moving on to yet another new job, the Secretary of the Senate. In her new position, she will take on many new responsibilities, but none that will be too difficult for her to master or manage. I commend Senator DOLE for nominating Sheila to be Secretary of the Senate, and applaud my colleagues for confirming her nomination.

Mr. THURMOND. Mr. President, there is no arguing that life on Capitol Hill is an interesting experience that provides a wealth of colorful stories. Each one of us knows about staffers who, after working together for years, end up getting married; or of young college graduates who move to Washington, take some lowly job and work their way to positions of importance and responsibility. One of Washington's true ''power couples,'' Howard and Elizabeth Greene, who each now have top level support jobs in the Senate, can lay claim to having enjoyed both the above mentioned experiences.

Howard and Elizabeth got their respective starts on the Hill in the same manner that many of our staffers do, as a doorkeeper and a page. While neither job is particularly glamorous or financially rewarding, they proved to be magic stepping stones for the Greenes. In subsequent years, both Howard and Elizabeth held a number of jobs that eventually led them to positions of key importance, that of Senate Republican Secretary for Howard and the legislative scheduler's office for Elizabeth. Throughout their careers here in the Senate, both have earned well deserved reputations for their ability and dedication as well as the respect and praise of members from both sides of the aisle.

In this new Congress, the Greenes are each moving on to new and important positions: Howard to be the Senate's new Sergeant at Arms, and Elizabeth to be the secretary for the majority. Both of these jobs are critical to the successful operation of the Senate and we will be served well by the Greenes as they work hard, are dedicated, and always have the best interests of the United States Senate at heart in the performance of their duties.

REGARDING DR. HAROLD T. YATES

Mr. THURMOND. Mr. President, people often talk about the good old days, when things were cheaper, life was simpler, and doctors made house calls. Up until this past December 30, there was at least one pediatrician in Northern Virginia, Dr. Harold Yates, who still believed in providing his patients with a lot of old-fashioned service and care.

Over the past almost 5 decades, Dr. Yates has earned a well deserved reputation as one of this area's most committed medical practitioners. A graduate of the University of Virginia Medical School, Dr. Yates is a product of an era when doctors were more than professionals, they were an integral part of a community and a family. As a matter of fact, some of Dr. Yates' first patients have brought their children and grandchildren to the doctor's office for his kind and concerned care. That Dr. Yates has treated literally thousands of children during his career speaks not only to his abilities as a doctor, but to the great trust and genuine affection his patients have for him.

This past December, Dr. Yates hung his white coat and stethoscope up for the final time, ending a practice and era. He will certainly be missed, as he was a man dedicated to providing compassionate and humanitarian care.

RULES OF PROCEDURE, COMMITTEE ON RULES AND ADMINISTRATION

Mr. STEVENS. Mr. President, this morning the Committee on Rules and Administration adopted its rules of procedure. Pursuant to paragraph 2 of Senate rule XXVI, committees have until March 1 this year to adopt and publish their rules in the CONGRESSIONAL RECORD. I submit the rules of the Committee on Rules for publication in the RECORD at this time.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE SENATE, COMMITTEE ON RULES AND ADMINISTRATION

(Adopted January 12, 1995)

TITLE I—MEETINGS OF THE COMMITTEE

1. The regular meeting dates of the committee shall be the second and fourth Wednesdays of each month, at 9:30 a.m., in room SR–301, Russell Senate Office Building. Additional meetings may be called by the chairman as he may deem necessary or pursuant to the provisions of paragraph 3 of rule XXVI of the Standing Rules of the Senate.

2. Meetings of the committee, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the committee on the same subject for a period of no more than 14 calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in subparagraphs (A) through (F) would require the meeting to be closed followed immediately by a recorded vote in

open session by a majority of the members of the committee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(A) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) will relate solely to matters of the committee staff personnel or internal staff management or procedure;

(C) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(D) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(E) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government offices and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(F) may divulge matters required to be kept confidential under the provisions of law or Government regulations. (Paragraph 5(b) of rule XXVI of the Standing Rules.)

3. Written notices of committee meetings will normally be sent by the committee's staff director to all members of the committee at least 3 days in advance. In addition, the committee staff will telephone reminders of committee meetings to all members of the committee or to the appropriate staff assistants in their offices.

4. A copy of the committee's intended agenda enumerating separate items of legislative business and committee business will normally be sent to all members of the committee by the staff director at least 1 day in advance of all meetings. This does not preclude any member of the committee from raising appropriate non-agenda topics.

5. Any witness who is to appear before the committee in any hearing shall file with the clerk of the committee at least 3 business days before the date of his or her appearance, a written statement of his or her proposed testimony and an executive summary thereof, in such form as the chairman may direct, unless the chairman and the ranking minority member waive such requirement for good cause.

TITLE II—QUORUMS

1. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 9 members of the committee shall constitute a quorum for the reporting of legislative measures.

2. Pursuant to paragraph 7(a)(1) of rule XXVI of the Standing Rules, 6 members shall constitute a quorum for the transaction of business, including action on amendments to measures prior to voting to report the measure to the Senate.

3. Pursuant to paragraph 7(a)(2) of rule XXVI of the Standing Rules, 4 members of the committee shall constitute a quorum for the purpose of taking testimony under oath and 2 members of the committee shall constitute a quorum for the purpose of taking testimony not under oath; provided, however, that in either instance, once a quorum is established, any one member can continue to take such testimony.

4. Under no circumstances may proxies be considered for the establishment of a quorum.

TITLE III—VOTING

1. Voting in the committee on any issue will normally be by voice vote.

2. If a third of the members present so demand, a record vote will be taken on any question by rollcall.

3. The results of rollcall votes taken in any meeting upon any measure, or any amendment thereto, shall be stated in the committee report on that measure unless previously announced by the committee, and such report or announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee. (Paragraph 7(b) and (c) of rule XXVI of the Standing Rules.)

4. Proxy voting shall be allowed on all measures and matters before the committee. However, the vote of the committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are physically present at the time of the vote. Proxies will be allowed in such cases solely for the purpose of recording a member's position on the question and then only in those instances when the absentee committee member has been informed of the question and has affirmatively requested that he be recorded. (Paragraph 7(a)(3) of rule XXVI of the Standing Rules.)

TITLE IV—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN

1. The chairman is authorized to sign himself or by delegation all necessary vouchers and routine papers for which the committee's approval is required and to decide in the committee's behalf all routine business.

2. The chairman is authorized to engage commercial reporters for the preparation of transcripts of committee meetings and hearings.

3. The chairman is authorized to issue, in behalf of the committee, regulations normally promulgated by the committee at the beginning of each session.

TITLE V—DELEGATION OF AUTHORITY TO COMMITTEE CHAIRMAN AND RANKING MINORITY MEMBER

The chairman and ranking minority member, acting jointly, are authorized to approve on behalf of the committee any rule or regulation for which the committee's approval is required, provided advance notice of their intention to do so is given to members of the committee.

IN HONOR OF JAMES FLEMING

Mr. FORD. Mr. President, I think it is appropriate for me to say a few words about James Fleming, a man whose knowledge of and respect for this Chamber was matched by few. When he died last week, I lost my most trusted political adviser, my confidant, my dear friend.

He was historian, constitutional scholar, purveyor of Kentucky politics, and the unsung hero behind every major legislative initiative in the Kentucky legislature of the 1960's and 1970's. Years later, Kentucky Governors and U.S. Senators alike would seek Jim out, whether he was holding court in Frankfort or his office at 167 Russell. I might add, that it was his habit to being holding court at 7 a.m., much to the dismay of many a late-sleeping lobbyist.

But most important, Jim was always the boy from the small town of Ludlow, who fell in love with Edith Murrell Gaines and married her against her father's best judgment. The one who became a mentor to so many legislators and staff assistants; who was so proud of his children, grandchild, and the baby on its way; and who, long before polls and focus groups came into fashion, used the neighborhood bridge club as his political barometer. Those traits never failed him.

The papers will tell of Jim's remarkable mind that could recount the vote tally in any county 20 years later and made redistricting an art form. They will tell of the parliamentary wizard who left the opposition hopelessly muddled when they had been duped. And they will tell of the visionary who worked to revise the State's constitution, succeeded at streamlining the workings of the General Assembly and reorganized Kentucky's executive branch.

But the people who knew him best will tell of the man who was just as likely to draw analogies from baseball and mystery stories as he was Shakespeare and Aristotle. They'll tell of the man whose love of a good drink was replaced by his love of a good donut, of the devout Catholic who confessed to me last year that he'd run out of things to give up for Lent, and who would always return your books with chocolate smears and notes in the margin with his famous, illegible red scrawl.

The Old Testament tells us that ''The price of wisdom is above rubies.'' Surely Jim was a rich man. But if he was rich, we were richer still, because ''The storyteller is the person who creates an atmosphere in which wisdom can reveal itself.'' And Jim had so much wisdom to reveal.

Rest assured that Jim's loved ones, his good friends, and his not-so-good friends, will be retelling his stories. It might be the one about his impersonating me up at the Lieutenant Governor's conference in Rhode Island. Others will tell of the time when the television cameras, and Edith Murrell, caught Jim when he snuck out from work to catch an afternoon of racing at Churchill Downs. And perhaps, a few will tell what really went on during those redistricting sessions with the maps spread out on the LRC office floor, or how he was always being mistaken for the ''Senator'' up in Washington.

Well, the last one was fine with me, even if it did get him seated for dinner before me once too often. We were always a team.

I can't say goodbye before expressing my sincerest thanks to his children Barbara Clair and Mike, along with his granddaughter Laura, and all the family members for sharing a large part of Jim with us. I know there were times when Jim felt he should be with them, but wouldn't leave me. I cherish them

and Jim for standing by me and want everyone to know how much I treasured and will miss this friendship.

Mr. President, I also ask unanimous consent that the Louisville Courier-Journal editorial of January 5, 1995 be printed in the CONGRESSIONAL RECORD following my remarks.

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

JAMES FLEMING'S EXAMPLE

The death of James Fleming leaves an empty place in our civic life. He was, in a state where politics has more than usual significance, a consummate politician. His work in the public arena was a repudiation of those who like to use the word ''political'' as a pejorative.

This is a particularly poignant moment for the departure of Mr. Fleming, a long-time aide to U.S. Sen. Wendell Ford and one of the people most responsible for the current forms of Kentucky governance.

In Washington, a battalion of newly empowered Republicans are conducting an obtuse, overbroad assault on the whole notion of activist government.

They're billing the attack as some sort of noble revolution. Others say it's just a self-indulgent revenge against those who've tried, in recent decades, to make representative democracy work for the disadvantaged.

Mr. Fleming didn't take much time to argue such points. He knew the value of a properly functioning government, in Frankfort or Washington. He understood the mechanics of democracy. he knew how to overhaul the machinery of government, to make it click and hum. He read voraciously, asked questions relentlessly, informed himself fully. He digested the Federal Register as avidly as the daily weather report. He shared his information and insight with those he mentored.

What he did not do is posture. Which made him unusual around here and virtually unique in the nation's capital.

Most important, he had a moral compass that belied his image as a gruff operative.

His directional indicator was not held in place by the kind of genteel insensitivity that points the way for Newt and Newt's followers.

Mr. Fleming's legacy is what he did, not what he undid.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 1, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate proceeded to consider the bill which had been reported from the Committee on the Budget and the Committee on Governmental Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

S. 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Unfunded Mandate Reform Act of 1995''.

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to strengthen the partnership between the Federal Government and States, local governments, and tribal governments;

(2) to end the imposition, in the absence of full consideration by Congress, of Federal mandates on States, local governments, and tribal governments without adequate Federal funding, in a manner that may displace other essential State, local, and tribal governmental priorities;

(3) to assist Congress in its consideration of proposed legislation establishing or revising Federal programs containing Federal mandates affecting States, local governments, tribal governments, and the private sector by—

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance;

(5) to require that Congress consider whether to provide funding to assist State, local, and tribal governments in complying with Federal mandates, to require analyses of the impact of private sector mandates, and through the dissemination of that information provide informed and deliberate decisions by Congress and Federal agencies and retain competitive balance between the public and private sectors;

(6) to establish a point-of-order vote on the consideration in the Senate and House of Representatives of legislation containing significant Federal mandates; and

(7) to assist Federal agencies in their consideration of proposed regulations affecting States, local governments, and tribal governments, by—

(A) requiring that Federal agencies develop a process to enable the elected and other officials of States, local governments, and tribal governments to provide input when Federal agencies are developing regulations; and

(B) requiring that Federal agencies prepare and consider better estimates of the budgetary impact of regulations containing Federal mandates upon States, local governments, and tribal governments before adopting such regulations, and ensuring that small governments are given special consideration in that process.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—For purposes of this Act—

(1) the terms defined under paragraphs (11) through (21) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as added by subsection (b) of this section) shall have the meanings as so defined; and

(2) the term ''Director'' means the Director of the Congressional Budget Office.

(b) CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new paragraphs:

''(11) The term 'Federal intergovernmental mandate' means—

''(A) any provision in legislation, statute, or regulation that—

''(i) would impose an enforceable duty upon States, local governments, or tribal governments, except—

''(I) a condition of Federal assistance or

''(II) a duty arising from participation in a voluntary Federal program, except as provided in subparagraph (B)); or

''(ii) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that would be provided to States, local governments, or tribal governments for the purpose of complying with any such previously imposed duty unless such duty is reduced or eliminated by a corresponding amount; or

''(B) any provision in legislation, statute, or regulation that relates to a then-existing Federal program under which $500,000,000 or more is provided annually to States, local governments, and tribal governments under entitlement authority, if the provision—

''(i)(I) would increase the stringency of conditions of assistance to States, local governments, or tribal governments under the program; or

''(II) would place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding to States, local governments, or tribal governments under the program; and

''(ii) the States, local governments, or tribal governments that participate in the Federal program lack authority under that program to amend their financial or programmatic responsibilities to continue providing required services that are affected by the legislation, statute or regulation.

''(12) The term 'Federal private sector mandate' means any provision in legislation, statute, or regulation that—

''(A) would impose an enforceable duty upon the private sector except—

''(i) a condition of Federal assistance; or

''(ii) a duty arising from participation in a voluntary Federal program; or

''(B) would reduce or eliminate the amount of authorization of appropriations for Federal financial assistance that will be provided to the private sector for the purposes of ensuring compliance with such duty.

''(13) The term 'Federal mandate' means a Federal intergovernmental mandate or a Federal private sector mandate, as defined in paragraphs (11) and (12).

''(14) The terms 'Federal mandate direct costs' and 'direct costs'—

''(A)(i) in the case of a Federal intergovernmental mandate, mean the aggregate estimated amounts that all States, local governments, and tribal governments would be required to spend in order to comply with the Federal intergovernmental mandate; or

''(ii) in the case of a provision referred to in paragraph (11)(A)(ii), mean the amount of Federal financial assistance eliminated or reduced.

''(B) in the case of a Federal private sector mandate, mean the aggregate estimated amounts that the private sector will be required to spend in order to comply with the Federal private sector mandate;

''(C) shall not include—

''(i) estimated amounts that the States, local governments, and tribal governments

(in the case of a Federal intergovernmental mandate) or the private sector (in the case of a Federal private sector mandate) would spend—

''(I) to comply with or carry out all applicable Federal, State, local, and tribal laws and regulations in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that Federal mandate; or

''(II) to comply with or carry out State, local governmental, and tribal governmental programs, or private-sector business or other activities in effect at the time of the adoption of the Federal mandate for the same activity as is affected by that mandate; or

''(ii) expenditures to the extent that such expenditures will be offset by any direct savings to the States, local governments, and tribal governments, or by the private sector, as a result of—

''(I) compliance with the Federal mandate; or

''(II) other changes in Federal law or regulation that are enacted or adopted in the same bill or joint resolution or proposed or final Federal regulation and that govern the same activity as is affected by the Federal mandate; and

''(D) shall be determined on the assumption that State, local, and tribal governments, and the private sector will take all reasonable steps necessary to mitigate the costs resulting from the Federal mandate, and will comply with applicable standards of practice and conduct established by recognized professional or trade associations. Reasonable steps to mitigate the costs shall not include increases in State, local, or tribal taxes or fees.

[''(15) The term 'amount' means the amount of budget authority for any Federal grant assistance program or any Federal program providing loan guarantees or direct loans.

[''(16) The term 'private sector' means individuals, partnerships, associations, corporations, business trusts, or legal representatives, organized groups of individuals, and educational and other nonprofit institutions.]

''(15) The term 'private sector' means all persons or entities in the United States, except for State, local, or tribal governments, including individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

[''(17)] *(16)* The term 'local government' has the same meaning as in section 6501(6) of title 31, United States Code.

[''(18)] *(17)* The term 'tribal government' means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (83 Stat. 688; 43 U.S.C. 1601 et seq.) which is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians.

[''(19)] *(18)* The term 'small government' means any small governmental jurisdictions defined in section 601(5) of title 5, United States Code, and any tribal government.

[''(20)] *(19)* The term 'State' has the same meaning as in section 6501(9) of title 31, United State Code.''

[''(21)] *(20)* The term 'agency' has the meaning as defined in section 551(1) of title 5, United States Code, but does not include independent regulatory agencies, as defined in section 3502(10) of title 44, United States Code.

[''(22)] *(21)* The term 'regulation' or 'rule' has the meaning of 'rule' as defined in section 601(2) of title 5, United States Code.[''.]

''(23) The definitions under paragraphs (15) through (22) shall apply only to section 408.''.

SEC. 4. EXCLUSIONS.

The provisions of this Act and the amendments made by this Act shall not apply to any provision in a bill or joint resolution before Congress and any provision in a proposed or final Federal regulation that—

(1) enforces constitutional rights of individuals;

(2) establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicapped or disability status;

(3) requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the United States Government;

(4) provides for emergency assistance or relief at the request of any State, local, or tribal government or any official of a State, local, or tribal government;

(5) is necessary for the national security or the ratification or implementation of international treaty obligations; or

(6) the President designates as emergency legislation and that the Congress so designates in statute.

SEC. 5. AGENCY ASSISTANCE.

Each agency shall provide to the Director of the Congressional Budget Office such information and assistance as the Director may reasonably request to assist the Director in carrying out this Act.

TITLE I—LEGISLATIVE ACCOUNTABILITY AND REFORM

SEC. 101. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

(a) IN GENERAL.—Title IV of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end thereof the following new section:

''SEC. 408. LEGISLATIVE MANDATE ACCOUNTABILITY AND REFORM .

''(a) DUTIES OF CONGRESSIONAL COMMITTEES.—

''(1) IN GENERAL.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character that includes any Federal mandate, the report of the committee accompanying the bill or joint resolution shall contain the information required by paragraphs (3) and (4).

''(2) SUBMISSION OF BILLS TO THE DIRECTOR.—When a committee of authorization of the Senate or the House of Representatives orders reported a bill or joint resolution of a public character, the committee shall promptly provide the bill or joint resolution to the Director of the Congressional Budget Office and shall identify to the Director any Federal mandates contained in the bill or resolution.

''(3) REPORTS ON FEDERAL MANDATES.—Each report described under paragraph (1) shall contain—

''(A) an identification and description of any Federal mandates in the bill or joint resolution, including the expected direct costs to State, local, and tribal governments, and to the private sector, required to comply with the Federal mandates;

''(B) a qualitative, and if practicable, a quantitative assessment of costs and benefits anticipated from the Federal mandates (including the effects on health and safety and the protection of the natural environment); and

''(C) a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate as provided under subsection (c)(1)(B)(iii)(IV) would affect the competitive balance between State, local, or tribal governments and privately owned businesses.

''(4) INTERGOVERNMENTAL MANDATES.—If any of the Federal mandates in the bill or joint resolution are Federal intergovernmental mandates, the report required under paragraph (1) shall also contain—

''(A)(i) a statement of the amount, if any, of increase or decrease in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution [and usable for activities of State, local, or tribal governments subject to the Federal intergovernmental mandates] *to pay for the costs to State*, local, and tribal governments of the Federal intergovernmental mandate; and

''(ii) a statement of whether the committee intends that the Federal intergovernmental mandates be partly or entirely unfunded, and if so, the reasons for that intention; and

''(B) any existing sources of Federal assistance in addition to those identified in subparagraph (A) that may assist State, local, and tribal governments in meeting the direct costs of the Federal intergovernmental mandates.

''(5) PREEMPTION CLARIFICATION AND INFORMATION.—When a committee of authorization of the Senate or the House of Representatives reports a bill or joint resolution of public character, the committee report accompanying the bill or joint resolution shall contain, if relevant to the bill or joint resolution, an explicit statement on the extent to which the bill or joint resolution preempts any State, local, or tribal law, and, if so, an explanation of the reasons for such preemption.

''(6) PUBLICATION OF STATEMENT FROM THE DIRECTOR.—

''(A) Upon receiving a statement (including any supplemental statement) from the Director under subsection (b)(1), a committee of the Senate or the House of Representatives shall publish the statement in the committee report accompanying the bill or joint resolution to which the statement relates if the statement is available at the time the report is printed.

''(B) If the statement is not published in the report, or if the bill or joint resolution to which the statement relates is expected to be considered by the Senate or the House of Representatives before the report is published, the committee shall cause the statement, or a summary thereof, to be published in the Congressional Record in advance of floor consideration of the bill or joint resolution.

''(b) DUTIES OF THE DIRECTOR.—

''(1) STATEMENTS ON BILLS AND JOINT RESOLUTIONS OTHER THAN APPROPRIATIONS BILLS AND JOINT RESOLUTIONS.—

''(A) FEDERAL INTERGOVERNMENTAL MANDATES IN REPORTED BILLS AND RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committee of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(i) If the Director estimates that the direct cost of all Federal intergovernmental mandates in the bill or joint resolution will equal or exceed $50,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal intergovernmental mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(ii) The estimate required under clause (i) shall include estimates (and brief explanations of the basis of the estimates) of—

''(I) the total amount of direct cost of complying with the Federal intergovernmental mandates in the bill or joint resolution; and

''(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution and usable by State, local, or tribal governments for activities subject to the Federal intergovernmental mandates.

''(B) FEDERAL PRIVATE SECTOR MANDATES IN REPORTED BILLS AND JOINT RESOLUTIONS.—For each bill or joint resolution of a public character reported by any committees of authorization of the Senate or the House of Representatives, the Director of the Congressional Budget Office shall prepare and submit to the committee a statement as follows:

''(i) If the Director estimates that the direct cost of all Federal private sector mandates in the bill or joint resolution will equal or exceed $200,000,000 (adjusted annually for inflation) in the fiscal year in which any Federal private sector mandate in the bill or joint resolution (or in any necessary implementing regulation) would first be effective or in any of the 4 fiscal years following such fiscal year, the Director shall so state, specify the estimate, and briefly explain the basis of the estimate.

''(ii) Estimates required under this subparagraph shall include estimates (and a brief explanation of the basis of the estimates) of—

''(I) the total amount of direct costs of complying with the Federal private sector mandates in the bill or joint resolution; and

''(II) the amount, if any, of increase in authorization of appropriations under existing Federal financial assistance programs, or of authorization of appropriations for new Federal financial assistance, provided by the bill or joint resolution usable by the private sector for the activities subject to the Federal private sector mandates.

''(iii) If the Director determines that it is not feasible to make a reasonable estimate that would be required under clauses (i) and (ii), the Director shall not make the estimate, but shall report in the statement that the reasonable estimate cannot be made and shall include the reasons for that determination in the statement.

''(C) LEGISLATION FALLING BELOW THE DIRECT COSTS THRESHOLDS.—If the Director estimates that the direct costs of a Federal mandate will not equal or exceed the thresholds specified in paragraphs (A) and (B), the Director shall so state and shall briefly explain the basis of the estimate.

''(c) LEGISLATION SUBJECT TO POINT OF ORDER IN THE SENATE.—

''(1) IN GENERAL.—It shall not be in order in the Senate to consider—

''(A) any bill or joint resolution that is reported by a committee unless the committee has published a statement of the Director on the direct costs of Federal mandates in accordance with subsection (a)(6) before such consideration; and

''(B) any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that causes the thresholds specified in subsection (b)(1)(A)(i) to be exceeded, unless—

''(i) the bill, joint resolution, amendment, motion, or conference report provides direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount that is equal to the estimated direct costs of such mandate;

''(ii) the bill, joint resolution, amendment, motion, or conference report provides an increase in receipts and an increase in direct spending authority for each fiscal year for the Federal intergovernmental mandates included in the bill, joint resolution, amendment, motion, or conference report in an amount equal to the estimated direct costs of such mandate; or

''(iii) the bill, joint resolution, amendment, motion, or conference report includes an authorization for appropriations in an amount equal to the estimated direct costs of such mandate, and—

''(I) identifies a specific dollar amount estimate of the full direct costs of the mandate for each year or other period during which the mandate shall be in effect under the bill, joint resolution, amendment, motion or conference report, and such estimate is consistent with the estimate determined under paragraph (3) for each fiscal year;

''(II) identifies any appropriation bill that is expected to provide for Federal funding of the direct cost referred to under subclause (IV)(aa);

''(III) identifies the minimum amount that must be appropriated in each appropriations bill referred to in subclause (II), in order to provide for full Federal funding of the direct costs referred to in subclause (I); and

''(IV)(aa) designates a responsible Federal agency and establishes criteria and procedures under which such agency shall implement less costly programmatic and financial responsibilities of State, local, and tribal governments in meeting the objectives of the mandate, to the extent that an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III); or

''(bb) designates a responsible Federal agency and establishes criteria and procedures to direct that, if an appropriation Act does not provide for the estimated direct costs of such mandate as set forth under subclause (III), such agency shall declare such mandate to be ineffective as of October 1 of the fiscal year for which the appropriation is not at least equal to the direct costs of the mandate.

''(2) RULE OF CONSTRUCTION.—The provisions of paragraph (1)(B)(iii)(IV)(aa) shall not be construed to prohibit or otherwise restrict a State, local, or tribal government from voluntarily electing to remain subject to the original Federal intergovernmental mandate, complying with the programmatic or financial responsibilities of the original Federal intergovernmental mandate and providing the funding necessary consistent with the costs of Federal agency assistance, monitoring, and enforcement.

''(3) COMMITTEE ON APPROPRIATIONS.—Paragraph (1) shall not apply to matters that are within the jurisdiction of the Committee on Appropriations of the Senate or the House of Representatives.

[''(4) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this subsection, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Governmental Affairs of the Senate, or the Committee on Government Reform and Oversight of the House of Representatives, as applicable, shall have the authority to make the final determination.]

[''(5) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of this subsection, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the Senate or the House of Representatives, as the case may be.]

''(d) ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of subsection (c) to a bill or joint resolution reported by a committee of authorization.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 407 the following new item:

''Sec. 408. Legislative mandate accountability and reform.''.

SEC. 102. ENFORCEMENT IN THE HOUSE OF REPRESENTATIVES.

(a) MOTIONS TO STRIKE IN THE COMMITTEE OF THE WHOLE.—Clause 5 of rule XXIII of the Rules of the House of Representatives is amended by adding at the end the following:

''(c) In the consideration of any measure for amendment in the Committee of the Whole containing any Federal mandate the direct costs of which exceed the threshold in section 408(c) of the Unfunded Mandate Reform Act of 1995, it shall always be in order, unless specifically waived by terms of a rule governing consideration of that measure, to move to strike such Federal mandate from the portion of the bill then open to amendment.''.

(b) COMMITTEE ON RULES REPORTS ON WAIVED POINTS OF ORDER.—The Committee on Rules shall include in the report required by clause 1(d) of rule XI (relating to its activities during the Congress) of the Rules of the House of Representatives a separate item identifying all waivers of points of order relating to Federal mandates, listed by bill or joint resolution number and the subject matter of that measure.

(c) DETERMINATIONS.—

(1) DETERMINATION OF APPLICABILITY TO PENDING LEGISLATION.—For purposes of this section in the House of Representatives, on questions regarding the applicability of this Act to a pending bill, joint resolution, amendment, motion, or conference report, the Committee on Government Reform and Oversight of the House of Representatives shall have the authority to make the final determination.

(2) DETERMINATIONS OF FEDERAL MANDATE LEVELS.—For the purposes of the application of this section in the House of Representatives, the levels of Federal mandates for a fiscal year shall be determined based on the estimates made by the Committee on the Budget of the House of Representatives.

SEC. 103. ASSISTANCE TO COMMITTEES AND STUDIES.

The Congressional Budget and Impoundment Control Act of 1974 is amended—

(1) in section 202—

(A) in subsection (c)—

(i) by redesignating paragraph (2) as paragraph (3); and

(ii) by inserting after paragraph (1) the following new paragraph:

''(2) At the request of any committee of the Senate or the House of Representatives, the Office shall, to the extent practicable, consult with and assist such committee in analyzing the budgetary or financial impact of any proposed legislation that may have—

''(A) a significant budgetary impact on State, local, or tribal governments; or

''(B) a significant financial impact on the private sector.'';

(B) by amending subsection (h) to read as follows:

''(h) STUDIES.—

''(1) CONTINUING STUDIES.—The Director of the Congressional Budget Office shall conduct continuing studies to enhance comparisons of budget outlays, credit authority, and tax expenditures.

''(2) FEDERAL MANDATE STUDIES.—

''(A) At the request of any Chairman or ranking member of the minority of a Committee of the Senate or the House of Representatives, the Director shall, to the extent practicable, conduct a study of a Federal mandate legislative proposal.

''(B) In conducting a study on intergovernmental mandates under subparagraph (A), the Director shall—

''(i) solicit and consider information or comments from elected officials (including their designated representatives) of State, local, or tribal governments as may provide helpful information or comments;

''(ii) consider establishing advisory panels of elected officials or their designated representatives, of State, local, or tribal governments if the Director determines that such advisory panels would be helpful in performing responsibilities of the Director under this section; and

''(iii) if, and to the extent that the Director determines that accurate estimates are reasonably feasible, include estimates of—

''(I) the future direct cost of the Federal mandate to the extent that such costs significantly differ from or extend beyond the 5-

year period after the mandate is first effective; and

''(II) any disproportionate budgetary effects of Federal mandates upon particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities, as appropriate.

''(C) In conducting a study on private sector mandates under subparagraph (A), the Director shall provide estimates, if and to the extent that the Director determines that such estimates are reasonably feasible, of—

''(i) future costs of Federal private sector mandates to the extent that such mandates differ significantly from or extend beyond the 5-year time period referred to in subparagraph (B)(iii)(I);

''(ii) any disproportionate financial effects of Federal private sector mandates and of any Federal financial assistance in the bill or joint resolution upon any particular industries or sectors of the economy, States, regions, and urban or rural or other types of communities; and

''(iii) the effect of Federal private sector mandates in the bill or joint resolution on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.''; and

(2) in section 301(d) by adding at the end thereof the following new sentence: ''Any Committee of the House of Representatives or the Senate that anticipates that the committee will consider any proposed legislation establishing, amending, or reauthorizing any Federal program likely to have a significant budgetary impact on any State, local, or tribal government, or likely to have a significant financial impact on the private sector, including any legislative proposal submitted by the executive branch likely to have such a budgetary or financial impact, shall include its views and estimates on that proposal to the Committee on the Budget of the applicable House.''.

SEC. 104. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Congressional Budget Office $4,500,000 for each of the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002 to carry out the provisions of this Act.

SEC. 105. EXERCISE OF RULEMAKING POWERS.

The provisions of sections 101, 102, 103, 104, and 107 are enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they shall be considered as part of the rules of such House, respectively, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change such rules (so far as relating to such House) at any time, in the same manner, and to the same extent as in the case of any other rule of each House.

SEC. 106. REPEAL OF CERTAIN ANALYSIS BY CONGRESSIONAL BUDGET OFFICE.

(a) IN GENERAL.—Section 403 of the Congressional Budget Act of 1974 (2 U.S.C. 653) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking out the item relating to section 403.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on January 1, 1996 and shall apply only to legislation [introduced] *considered* on and after such date.

TITLE II—REGULATORY ACCOUNTABILITY AND REFORM

SEC. 201. REGULATORY PROCESS.

(a) IN GENERAL.—Each agency shall, to the extent permitted in law—

(1) assess the effects of Federal regulations on State, local, and tribal governments (other than to the extent that such regulations incorporate requirements specifically set forth in legislation), and the private sector including specifically the availability of resources to carry out any Federal intergovernmental mandates in those regulations; and

(2) seek to minimize those burdens that uniquely or significantly affect such governmental entities, consistent with achieving statutory and regulatory objectives.

(b) STATE, LOCAL, AND TRIBAL GOVERNMENT INPUT.—Each agency shall, to the extent permitted in law, develop an effective process to permit elected officials (or their designated representatives) of State, local, and tribal governments to provide meaningful and timely input in the development of regulatory proposals containing significant Federal intergovernmental mandates. Such a process shall be consistent with all applicable laws, *including the provisions of chapter 5 of title 5, United States Code (commonly referred to as the Administrative Procedure Act)*.

(c) AGENCY PLAN.—

(1) EFFECTS ON STATE, LOCAL AND TRIBAL GOVERNMENTS.—Before establishing any regulatory requirements that might significantly or uniquely affect small governments, agencies shall have developed a plan under which the agency shall—

(A) provide notice of the contemplated requirements to potentially affected small governments, if any;

(B) enable officials of affected small governments to provide input under subsection (b); and

(C) inform, educate, and advise small governments on compliance with the requirements.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to each agency to carry out the provisions of this section, and for no other purpose, such sums as are necessary.

SEC. 202. STATEMENTS TO ACCOMPANY SIGNIFICANT REGULATORY ACTIONS.

(a) IN GENERAL.—Before promulgating any final rule that includes any Federal intergovernmental mandate that may result in the expenditure by State, local, or tribal governments, and the private sector, in the aggregate, of $100,000,000 or more (adjusted annually for inflation by the Consumer Price Index) in any 1 year, and before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any such rule, the agency shall prepare a written statement containing—

(1) estimates by the agency, including the underlying analysis, of the anticipated costs to State, local, and tribal governments and the private sector of complying with the Federal intergovernmental mandate, and of the extent to which such costs may be paid with funds provided by the Federal Government or otherwise paid through Federal financial assistance;

(2) estimates by the agency, if and to the extent that the agency determines that accurate estimates are reasonably feasible, of—

(A) the future costs of the Federal intergovernmental mandate; and

(B) any disproportionate budgetary effects of the Federal intergovernmental mandate upon any particular regions of the Nation or particular State, local, or tribal governments, urban or rural or other types of communities;

(3) a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate (such as the enhancement of health and safety and the protection of the natural environment);

(4) the effect of the Federal private sector mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services; and

(5)(A) a description of the extent of the agency's prior consultation with elected representatives (or their designated representatives) of the affected State, local, and tribal governments;

(B) a summary of the comments and concerns that were presented by State, local, or tribal governments either orally or in writing to the agency;

(C) a summary of the agency's evaluation of those comments and concerns; and

(D) the agency's position supporting the need to issue the regulation containing the Federal intergovernmental mandates (considering, among other things, the extent to which costs may or may not be paid with funds provided by the Federal Government).

(b) PROMULGATION.—In promulgating a general notice of proposed rulemaking or a final rule for which a statement under subsection (a) is required, the agency shall include in the promulgation a summary of the information contained in the statement.

(c) PREPARATION IN CONJUNCTION WITH OTHER STATEMENT.—Any agency may prepare any statement required under subsection (a) in conjunction with or as a part of any other statement or analysis, provided that the statement or analysis satisfies the provisions of subsection (a).

SEC. 203. ASSISTANCE TO THE CONGRESSIONAL BUDGET OFFICE.

The Director of the Office of Management and Budget shall—

(1) collect from agencies the statements prepared under section 202; and

(2) periodically forward copies of such statements to the Director of the Congressional Budget Office on a reasonably timely basis after promulgation of the general notice of proposed rulemaking or of the final rule for which the statement was prepared.

SEC. 204. PILOT PROGRAM ON SMALL GOVERNMENT FLEXIBILITY.

(a) IN GENERAL.—The Director of the Office of Management and Budget, in consultation with Federal agencies, shall establish pilot programs in at least 2 agencies to test innovative, and more flexible regulatory approaches that—

(1) reduce reporting and compliance burdens on small governments; and

(2) meet overall statutory goals and objectives.

(b) PROGRAM FOCUS.—The pilot programs shall focus on rules in effect or proposed rules, or a combination thereof.

TITLE III—REVIEW OF UNFUNDED FEDERAL MANDATES

SEC. 301. ESTABLISHMENT.

There is established a commission which shall be known as the ''Commission on Unfunded Federal Mandates'' (in this title referred to as the ''Commission'').

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY THE COMMISSION.

(a) IN GENERAL.—The Commission shall in accordance with this section—

(1) investigate and review the role of unfunded Federal mandates in intergovernmental relations and their impact on local, State, and Federal government objectives and responsibilities; and

(2) make recommendations to the President and the Congress regarding—

(A) allowing flexibility for States, local, and tribal governments in complying with specific unfunded Federal mandates for which terms of compliance are unnecessarily rigid or complex;

(B) reconciling any 2 or more unfunded Federal mandates which impose contradictory or inconsistent requirements;

(C) terminating unfunded Federal mandates which are duplicative, obsolete, or lacking in practical utility;

(D) suspending, on a temporary basis, unfunded Federal mandates which are not vital to public health and safety and which compound the fiscal difficulties of States, local, and tribal governments, including recommendations for triggering such suspension;

(E) consolidating or simplifying unfunded Federal mandates, or the planning or reporting requirements of such mandates, in order to reduce duplication and facilitate compliance by States, local, and tribal governments with those mandates; and

(F) establishing common Federal definitions or standards to be used by States, local, and tribal governments in complying with unfunded Federal mandates that use different definitions or standards for the same terms or principles.

(3) IDENTIFICATION OF RELEVANT UNFUNDED FEDERAL MANDATES.—Each recommendation under paragraph (2) shall, to the extent practicable, identify the specific unfunded Federal mandates to which the recommendation applies.

(b) CRITERIA.—

(1) IN GENERAL.—The Commission shall establish criteria for making recommendations under subsection (a).

(2) ISSUANCE OF PROPOSED CRITERIA.—The Commission shall issue proposed criteria under this subsection not later than 60 days after the date of the enactment of this Act, and thereafter provide a period of 30 days for submission by the public of comments on the proposed criteria.

(3) FINAL CRITERIA.—Not later than 45 days after the date of issuance of proposed criteria, the Commission shall—

(A) consider comments on the proposed criteria received under paragraph (2);

(B) adopt and incorporate in final criteria any recommendations submitted in those comments that the Commission determines will aid the Commission in carrying out its duties under this section; and

(C) issue final criteria under this subsection.

(c) PRELIMINARY REPORT.—

(1) IN GENERAL.—Not later than 9 months after the date of the enactment of this Act, the Commission shall—

(A) prepare and publish a preliminary report on its activities under this subtitle, including preliminary recommendations pursuant to subsection (a);

(B) publish in the Federal Register a notice of availability of the preliminary report; and

(C) provide copies of the preliminary report to the public upon request.

(2) PUBLIC HEARINGS.—The Commission shall hold public hearings on the preliminary recommendations contained in the preliminary report of the Commission under this subsection.

(d) FINAL REPORT.—Not later than 3 months after the date of the publication of the preliminary report under subsection (c), the Commission shall submit to the Congress, including the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate, and to the President a final report on the findings, conclusions, and recommendations of the Commission under this section.

SEC. 303. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—

(1) IN GENERAL.—The Commission shall be composed of 9 members appointed from individuals who possess extensive leadership experience in and knowledge of States, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows:

(A) 3 members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives.

(B) 3 members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate.

(C) 3 members appointed by the President.

(2) LIMITATION.—An individual who is a Member or employee of the Congress may not be appointed or serve as a member of the Commission.

(b) WAIVER OF LIMITATION ON EXECUTIVE SCHEDULE POSITIONS.—Appointments may be made under this section without regard to section 5311(b) of title 5, United States Code.

(c) TERMS.—

(1) IN GENERAL.—Each member of the Commission shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) BASIC PAY.—

(1) RATES OF PAY.—Members of the Commission shall serve without pay.

(2) PROHIBITION OF COMPENSATION OF FEDERAL EMPLOYEES.—Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances, or benefits by reason of their service on the Commission.

(e) TRAVEL EXPENSES.—Each member of the Commission shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(f) CHAIRPERSON.—The President shall designate a member of the Commission as Chairperson at the time of the appointment of that member.

(g) MEETINGS.—

(1) IN GENERAL.—Subject to paragraph (2), the Commission shall meet at the call of the Chairperson or a majority of its members.

(2) FIRST MEETING.—The Commission shall convene its first meeting by not later than 45 days after the date of the completion of appointment of the members of the Commission.

(3) QUORUM.—A majority of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

SEC. 304. DIRECTOR AND STAFF OF COMMISSION; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—The Commission shall, without regard to section 5311(b) of title 5, United States Code, have a Director who shall be appointed by the Commission. The Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule.

(b) STAFF.—With the approval of the Commission, and without regard to section 5311(b) of title 5, United States Code, the Director may appoint and fix the pay of such staff as is sufficient to enable the Commission to carry out its duties.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the annual rate payable under section 5376 of title 5, United States Code.

(d) EXPERTS AND CONSULTANTS.—The Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this title.

SEC. 305. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this title, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL DATA.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this title, except information—

(1) which is specifically exempted from disclosure by law; or

(2) which that department or agency determines will disclose—

(A) matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(B) information relating to trade secrets or financial or commercial information pertaining specifically to a given person if the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(C) personnel or medical data or similar data the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

unless the portions containing such matters, information, or data have been excised.

Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its duties under this title.

(f) CONTRACT AUTHORITY.—The Commission may, subject to appropriations, contract with and compensate government and private agencies or persons for property and services used to carry out its duties under this title.

SEC. 306. TERMINATION.

The Commission shall terminate 90 days after submitting its final report pursuant to section 302(d).

SEC. 307. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission $1,000,000 to carry out this title.

SEC. 308. DEFINITION.

As used in this title, the term ''unfunded Federal mandate'' means—

(1) any provision in statute or regulation that imposes an enforceable duty upon States, local governments, or tribal governments including a condition of Federal assistance or a duty arising from participation in a voluntary Federal program;

(2) relates to a Federal program under which Federal financial assistance is provided to States, local governments, or tribal governments under entitlement authority; or

(3) that imposes any other unfunded obligation on States, local governments, or tribal governments.

SEC. 309. EFFECTIVE DATE.

This title shall take effect 60 days after the date of the enactment of this Act.

TITLE IV—JUDICIAL REVIEW

SEC. 401. JUDICIAL REVIEW.

(a) IN GENERAL.—Any statement or report prepared under this Act, and any compliance or noncompliance with the provisions of this Act, and any determination concerning the applicability of the provisions of this Act shall not be subject to judicial review.

(b) RULE OF CONSTRUCTION.—No provision of this Act or amendment made by this Act shall be construed to create any right or benefit, substantive or procedural, enforceable by any person in any administrative or judicial action. No ruling or determination made under the provisions of this Act or amendments made by this Act shall be considered by any court in determining the intent of Congress or for any other purpose.

Mr. DOLE. Mr. President, I would just say in a preliminary way, Senator KEMPTHORNE and Senator GLENN I believe will be here momentarily, but this is an important piece of legislation, so important that it does have the number 1, S. 1.

This is legislation that not only affects Governors, as the Presiding Officer knows what it meant, unfunded mandates, what an impact it has on States; it also affects cities and counties and other subdivisions. The mayors support it. The legislators support it.

Right now, Senator KEMPTHORNE is in a press conference with private sector groups. It also affects the private sector because if an unfunded mandate comes, it is always passed through higher taxes or some other way. So it is strongly supported by the private sector, by the public sector. It has broad bipartisan support and should have broad bipartisan support.

I hope that my colleagues would limit amendments on this bill to those that are legitimate amendments that may affect some real concern they have with this legislation. We have gone through the other exercise on congressional coverage, and I know that happens from time to time on either side. But I think in this legislation it is an opportunity for us to demonstrate in a bipartisan way that we understand the problem; we want to deal with the problem. And so far it has been dealt with in a bipartisan way.

I would also say to my colleagues, many of whom are not here but I know they must be listening in their offices, their ears glued to the TV or whatever, if in fact we can reach some agreement today on the amendments and sort of put them all in a little bag somewhere and say this will be all the amendments that will be offered to this bill, then I will be very happy to try to accommodate some of my colleagues on both sides of the aisle with reference to plans they may have out of Washington tomorrow. As you know, Monday will be a holiday, but we will be back voting on Tuesday.

So staffs on each side I know have been working trying to accommodate Members, but I just suggest this is very important legislation. Senator KEMPTHORNE I think deserves a great deal of credit. He came here as a mayor from Boise, ID. He made this his No. 1 priority. He has never backed away from it. He has stuck with it. He has had a lot of help from our colleague from Ohio, Senator GLENN, and others, Senator ROTH on this side of the aisle.

So we hope that we could really expedite it, demonstrate to the American people that the Senate can act quickly when we have a matter like this before us. Let us address the legitimate concerns, but, please, let us not in this case offer all the other amendments that everybody has been keeping in their files or their waste basket or somewhere else the past several weeks.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, I would like to address the business before the Senate.

Mr. President, I believe there is no mightier army than an idea whose time has come. Today the Senate begins action on S. 1, legislation that has two simple ideas:

First, the National Government should know and pay for the costs of mandates before imposing them on State and local government.

Second, the National Government should know the costs and impacts of mandates before imposing them on the private sector.

Now some people will say that without question this legislation is a fundamental—yes, a fundamental—change in the way we do business in the Congress and in our relationship with the States and localities. And I say that Congress has gotten away from the fundamentals as envisioned by our Founding Fathers. We should not be here to dictate to the States. We are supposed to be here on behalf of our States—representing and protecting the interests of each sovereign State. Let me quote the tenth amendment of the Constitution:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

The words of Ben Nelson, an extremely successful Governor of Nebraska, should bring this fundamental responsibility home to each of us:

> I was elected Governor, not the Administrator of Federal Programs for Nebraska.

The reason this is an idea whose time has come is the result of an army of State and local government officials and business leaders telling Congress that reforming unfunded Federal mandates must be done.

Across America today that army of State and local government officials and business leaders are eager for the Senate to pass this bill. Their battle against Congress for inflicting harm against states and cities is nearly over. Congress is hearing their urgent message.

Today the Senate debates S. 1, legislation that is the first real sign that Congress wants a working partnership with those governing our States, cities, counties and schools.

This day has been two decades in the making. For 20 years Congress has blindly passed law after law, agencies have imposed rule after rule telling State and local governments how to run their schools, cities, buses, sewers, landfills, prisons, courts, and what services to provide to whom, when, and for what purpose.

Congress passed legislation without ever knowing the costs or consequences to State and local governments. The mandates made Congress feel good, and for a while, even look good back home.

But those days are over. Governors and mayors got the mandates, but never got any money to pay for the mandates. They watched helplessly as first 5 percent, then 10 percent, then 15 percent, then 20 percent, then 25 percent of their budgets were devoted to pay for these unfunded Federal mandates.

Unlike Congress, States and cities have to balance their budgets. States and cities can not borrow money like Congress. States and cities can not print money like Congress. Governors and mayors and county commissioners live in the real world. They have to make the hard choices of whether to raise property taxes, or to cut other services their citizens really want and need.

Mr. President, 1994 was the year business leaders, Governors, mayors and county commissioners and the citizens they represent said no more. No more unfunded mandates.

No longer should unfunded Federal mandates keep us from putting policemen on our streets; reducing classroom instruction in our schools; fixing our streets. We want reform. We need change.

It took a long time for this message to take hold here in Washington. When I started the campaign to end unfunded Federal mandates 2 years ago, few were familiar with the term ''unfunded mandate.''

But that has changed. In part that is what the November 8 election was

about. Americans took careful aim and fired their ballots at big government, overregulation, and unfunded mandates. Mr. President, 1995 is the year they will see reform. They will see Congress reform unfunded mandates. They will see the enactment of S. 1.

This legislation forces Congress and agencies to know mandate costs it imposes on the public and private sector. It requires Congress to pay for mandates imposed on State and local governments.

I want to pay tribute to the leaders in Congress who first heard the message from State and local leaders and made it possible for us to be debating S. 1 here today.

I commend Senator DOLE for designating unfunded mandate legislation Senate bill 1. That sent a powerful signal throughout the country that this is a high, high priority of our Republican majority leader, that we are going to deal with unfunded Federal mandates. And for that emphasis and his assistance throughout the recess as we crafted this, I have great appreciation.

I also appreciate my Democratic partner on this issue, Senator JOHN GLENN. He has been a thoughtful and an effective ally throughout this whole process, including the last session when he was the chairman of the Governmental Affairs Committee. And I can say that the people of Ohio can be extremely proud of what JOHN GLENN is doing to stop unfunded Federal mandates. I have worked closely with the two committee chairmen, BILL ROTH and PETE DOMENICI, in developing this legislation. Their insight and their strategic judgment, their willingness to act quickly on this bill, have been enormously helpful. Their leadership and their chairmanship roles are enormously helpful.

I also thank Senator EXON, the ranking Democrat on the Budget Committee. As a former Governor, he understood the issue of unfunded mandates and his help has continually been there.

I thank Senator DORGAN for his leadership on the private sector provisions in this bill.

Mr. President, I want to acknowledge too that last year when we had similar legislation you were the first Senate to cosponsor that legislation. As a former Governor you too know about these unfunded Federal mandates.

Finally, I thank those in the House of Representatives with whom I have been working with on this legislation: Representatives BILL CLINGER, ROB PORTMAN, and GARY CONDIT. I am confident once the Senate has approved this legislation, this bill can be passed in the House of Representatives.

What these Members of Congress have in common is a clear understanding that all of us here in the U.S. Senate were elected, in part, to be in charge of the Federal Treasury. It does not follow that we are in charge of a State treasury or a city treasury or a school treasury.

S. 1 offers the opportunity to change all that, to return the responsibility for local decisions back to local people and to leaders they elected. The issue of who best governs and decides local issues is at the heart of S. 1.

Senate bill 1 also represents hope. Hope that finally Congress is serious about building a new partnership with State and local leaders. S. 1 tells business men and women we will not longer saddle you with mandates without knowing their costs, and their impacts on you and what that does to competitiveness and the economy and jobs.

Listen to these endorsements of S. 1, and you will hear the common themes that S. 1 is a strong, comprehensive approach to the problem of mandates.

On behalf of the U.S. Conference of Mayors, I want to * * * express strong support for the new bill, S. 1. S. 1 is serious and tough mandate reform which will do more than simply stop the flood of trickle down taxes and irresponsible, ill-defined federal mandates which have come from Washington over the past two decades. S. 1 will begin to restore the partnership which the founders of this nation intended to exist between the federal Government and State and local governments.—Victor Ashe, mayor, Knoxville, TN, president, U.S. Conference of Mayors.

The more than 95,000 locally elected school board members nationwide * * * strongly support S. 1. This legislation would establish a general rule that Congress shall not impose federal mandates without adequate funding. This legislation would stop the flow of requirements on school districts which must spend billions of local tax dollars every year.

Today school children throughout the country are facing the prospect of reduced classroom instruction because the federal government requires, but does not fund, services or programs that school boards (must) * * *. Our Nation's public school children must not pay the price of unfunded federal mandates.—Boyd Boehlje, president, National School Boards Association.

Of all the measures introduced to date, S. 1 is undoubtedly the strongest, best crafted and most comprehensive approach to provide relief * * * from the burden of unfunded mandates.

The National League of Cities commits its strongest support for the Unfunded Mandate Reform Act. We will fight any attempts to weaken the bill with the full force of the 150,000 local elected officials we present * * * this bill will benefit all states, all counties, all municipalities and all taxpayers, regardless of their political allegiance.—Carolyn Long Banks, councilwoman-at-large Atlanta, GA, and president, National League of Cities.

On behalf of the National Association of Counties, I am writing to express our strong support for S. 1. While this legislation retained many of the basic principles from the previous bill, there were many improvements. Most significant among them is the provision that requires any new mandate to be funded by new entitlement spending or new taxes or new appropriations. If not, the mandate will not take effect unless the majority of members in both houses of Congress vote to impose the cost on state and local government.—Randall Franke, commissioner, Marion County, OR, and president, National Association of Counties.

The U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce and 1,200 trade and professional associations * * * identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the Chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.—Richard L. Lesher, president, U.S. Chamber of Commerce.

On behalf of the over 600,000 members of the National Federation of Independent Business, I urge you to vote in favor of S. 1.

Unfunded federal mandates on the states and local governments end up requiring these entities to raise taxes, establish user fees or cut back services to balance their budgets. Small business owners are affected by all of these actions.

It was not the states and cities who paid roughly $10 billion in unfunded mandates during the 1980s; it was taxpayers—small business owners as well as everyone else. In June 1994, a poll of all NFIB members resulted in a resounding 90 percent vote against unfunded mandates.

I urge you to strongly support S. 1.—John Motley, vice president, NFIB.

This bill is about information and accountability. The cost estimate, points of order, rules changes and other provisions contained in this legislation are absolutely necessary to get us back on track and have the federal government take responsibility for its actions. To make responsible decisions, members of Congress need to be fully aware of the financial burdens that federal legislation often places on state and local governments, and to understand the implications of those burdens.—Jane L. Campbell, president, National Conference of State Legislatures.

We begin the 104th Congress with S. 1, the ''Unfunded Mandate Relief Act of 1995,'' which is a major priority of all state and local officials. We have reviewed the new bill, drafted in full consultation with all our organizations, and strongly support its enactment.—Governor Howard Dean, M.D., chairman, National Governors Association.

This legislation forces Congress and agencies to know mandate policy. It requires Congress to fund mandates imposed on State and local governments. If we do not, they can be ruled out of order and a rollcall vote will decide whether the Senate should consider unfunded mandate legislation.

S. 1 uses the same principles guiding last year's legislation unanimously approved by the Senate Governmental Affairs Committee and cosponsored by 67 Senators. The major feature of this bill is that it creates a point of order against legislation that does not estimate mandate costs on State and local government and does not pay for those mandates. Additionally, legislation imposing mandates greater than $200 million on the private sector must have a CBO mandate cost estimate or be ruled out of order.

But S. 1 is more than just creating parliamentary roadblocks in the consideration of mandate legislation. S. 1 comprehensively and responsibly reforms the Congress and Federal agencies that propose and implement mandates.

Federal mandates are the result of existing laws, existing regulations and new laws and new regulations on the public and private sectors. S. 1 reforms each source of mandates and I would like to discuss how it does so.

First, I want to explain how S. 1 approaches the issue of mandates being proposed in new laws beginning with

new mandates on State, and local government:'

New legislation being considered in Congress that imposes on the public sector more than $50 million in new mandates, or legislation that makes any new mandate in the nine largest entitlement programs that directly affect the public sector must meet three tests:

First, the legislation must have a CBO estimate of the mandate cost. In making estimates, CBO must consult with State and local officials, estimate the total amount of direct costs that State, local, or tribal governments must spend above what they are spending to comply with their own laws minus any direct savings in the legislation.

The CBO shall include in its report an estimate of the future costs and any disproportionate effect that may be felt on particular regions or States.

Second, the legislation must include the money or the taxes to pay for the mandate or, if the mandate is to be paid for by a subsequent appropriation, the legislation must either provide that the mandate sunset if not funded or give flexibility to implement the mandate only to the extent funded. The bottom line of this provision is that a rollcall vote will decide whether the Senate should consider unfunded mandate legislation. This process does not abdicate our decisionmaking process. In fact the opposite is true. This process will enhance our decisionmaking because we will have more information to cast better votes.

Let us look at what legislation for the private sector must include: Legislation being considered in Congress that imposes on the private sector more than $200 million in new mandates:

Must have a CBO estimate of the mandate cost, including the direct costs of the mandate and future costs. If the estimate is not done, the legislation is ruled out of order. What this means is that the Senate will go on record if it is willing to proceed to consider a bill that does not have cost estimates.

In addition, committee reports are to include an analysis of any Federal mandate affects on the public and private sectors and to the extent the Federal payment of public sector costs would affect the competitive balance between the public sector and the private sector.

Finally, at the request of a chairman or ranking member of any committee, CBO shall study the effects of a mandate legislative proposal on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of U.S. goods and services.

Now let me explain how S. 1 addresses mandates proposed in new Federal regulations: On State and local government, agencies that propose new mandates that result in the expenditure by State, local, or tribal governments and the private sector of more than $100 million must prepare a written statement that: Estimates present and future costs and benefits to the public and private sector; reports on whether such costs may be paid with Federal financial assistance; assesses any disproportionate budgetary effects of the mandate on any particular area of the United States, or rural or urban communities; summarizes the agency's prior consultation with elected representatives, including a summary of the comments received, the agency's evaluation of the comments and an evaluation of the need to issue the regulation.

For intergovernmental mandates that affect the private sector, agencies must prepare a written statement that states the effect of the mandate on the national economy, including the effect on productivity, economic growth, full employment, creation of productive jobs, and international competitiveness of United States goods and services.

Now let us consider what S. 1 does to mandates in current Federal laws and regulations.

On State and local government, S. 1 requires each agency to assess effects of Federal rules—except for those specifically provided by law—on the public sector, including the availability of resources to carry out any mandate; seek to minimize those burdens that uniquely or significantly affect the public sector so long as consistent with achieving statutory and regulatory objectives, and establish an effective process for timely consultation with State and local elected officials in the development of Federal rules.

In addition, a commission will review existing mandates and will report to the President and to Congress action needed to increase flexibility in mandates where terms of compliance are unnecessarily rigid and terminate, consolidate or simplify duplicative, obsolete, or impractical mandates, and suspend, on a temporary basis, mandates that are not vital to public health and safety and which compound the fiscal difficulties of the public sector.

On the private sector, each agency shall assess effects of Federal rules—except those specifically provided by law—on the private sector. As with any legislation, definitions are important. One of the interesting exercises in writing S. 1 has been defining what an unfunded mandate is, and how CBO should calculate the costs of mandates. Here are the key definitions taken from S. 1:

Intergovernmental mandate. S. 1 defines a mandate as any act of the Federal Government which imposes an enforceable, nonvoluntary duty on a State, local, or tribal government. The definition goes on to include that it has an annual cost in any year greater than $50 million, or creates any new more stringent condition or restriction in a Federal program with an annual budget for State, local, or tribal governments in excess of $500 million.

Federal private sector mandate. A nonvoluntary enforceable duty upon the private sector. A private sector mandate does not exist in instances were a condition exists for accepting Federal assistance.

Federal mandate direct costs. When CBO makes mandate estimates, they do so on the basis of direct costs. Direct costs are what the public sector will be required to spend to comply with the Federal intergovernmental mandate, but excluded from calculations are:

Amounts spent complying with existing Federal, State, local and tribal laws and rules, and savings that will result from the mandate, or other changes in Federal law or regulation that governs the new mandate.

Exemptions. Exempted from the definition of mandates are bills or resolutions which enforce constitutional rights, enforce statutory rights prohibiting discrimination because of race, religion, gender, national origin, or disability, require compliance with auditing requirements, as a result of an emergency, or national security.

I also add that these exemptions are strongly supported by State and local government officials. It shows, I believe, their good faith in establishing a partnership with Congress by recognizing that there are some mandates that are wise and good.

Let me sum up what this bill is and is not.

This bill is not some sort of backdoor maneuver to rescind or gut environmental, public safety, or health protection legislation. It is not designed to give a free hand to local governments to ignore standards protecting water, air, or soil.

This bill is not retroactive.

I want to emphasize that this legislation is not intended to stop compliance with mandates or regulations already in place. The goal is to stop the imposition of future unfunded mandates, to stop Congress from passing laws and then requiring local and State governments to pay for them.

If something is truly a national priority, in the best interest of public health, or safety, when Congress should be honest and up-front about it and pay for it.

S. 1 is a bill that says mandates are too important to pass on without some thought and without answering for them after they pass. You simply need to give Senators voting on a bill an estimate of the mandate and how you are going to pay for public sector mandates. If you don't want to do that, vote that way.

And, just because the Congress is responsible with a cost estimate and funding scheme for the public sector does not mean that Congress should be irresponsible to the private sector. That is why we have the private sector mandate analysis in the bill and why we added a special provision making

committees analyze and report on any anticompetitive effects on mandates involving the private and public sector. Congress will not be able to hide behind a cost estimate and public sector funding and impose inequitable treatment on the private sector.

We are off on the right track. S. 1 is already supported by 60 Senators and by the U.S. Conference of Mayors, National Association of Counties, National League of Cities, National Governors Association, Council of State Governments, National Conference of State Legislatures, National School Boards Association, U.S. Chamber of Commerce, the National Federation of Independent Business, and the National Retail Federation.

This bill does not abdicate our decisionmaking responsibility. It enhances it. We will make better decisions. We will better protect the rights of States and cities to govern our citizens.

The visionaries who founded this great country wrote the 10th amendment to protect the States from intrusive behavior by the Federal Government. We need to restore that federalism and allow local leaders to set local solutions for local priorities to meet the needs of our citizens.

I could not sum up this challenge any better than Fred Grady of Lincoln, NE, when he said:

> For years and years I yelled and screamed and bellyached about local and state politicos around here; about how all they did was spend money made by other people * * * and it has always seemed to me we have gotten very little for all that has been extorted from our pockets * * * but apparently it is not their—the local and state politicos—fault; apparently because the federal government is demanding all these programs and policies and procedures without paying for them, well, we all know what happens. On the local or state level, we have to give up a fire truck or an ambulance or a snowplow or a set of encyclopediae for the library, in order to pay for something dictated by Washington, even if it is trivial or ant as important as fire protection or education. I guess I owe my local and state politicos * * * an apology. I hope your resolution about mandates passes.

I urge each of you to accept Fred Grady's challenge and once again exercise a U.S. Senator's fundamental role of representing the interests of each of our sovereign States—and take this first and fundamental step of lifting the unfair burden of unfunded mandates from the States and localities. Your vote for S. 1 will be a powerful affirmative response to the Fred Gradys of this great Nation.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I have been seeking to obtain a report on this bill. I am not on the Budget Committee, and I am not on the Government Relations Committee. But from what I understand, this is a very important bill, a big bill, a complex bill, far reaching in its contents. I have been queried, along with all other Senators, I suppose, as to whether or not they would have any objection to the adoption of the committee amendments, en bloc. I am going to object to the adoption of the committee amendments, en bloc, until I see the committee report.

I have a responsibility as a Senator from the State of West Virginia to know what is in this bill. I may be very supportive of it. But I was assured through my own leader on this side of the aisle the day before yesterday that the committee report would be filed that evening. That was Tuesday. I was assured that the committee report would be filed that evening. So yesterday, when I sought to see the committee report, there was no report. I was told the committee report was not filed and would be filed last evening. I would not have given my consent to take this bill up today had I known that the assurance that I was given on Tuesday that a committee report would be filed that evening actually would not occur.

So I want to see the committee report. I hope other Senators will seek to see a committee report. I might not have any objection to any of the committee amendments.

I think we are in just a little bit too big of a hurry. The Contract With America is a steamroller in the other body, and apparently is going to be a steamroller here. I did not sign that contract. I do not even know what is in it. I have been reading about it in the newspapers, but I am not signatory to that contract. I may be supportive of a great many of the items that are in that contract. But I do know that it is a steamroller. I do not want to just buy a pig in a poke when this is a big poke. This is a big poke—maybe a big pig in a big poke. I want to know what is in it.

I would hope that the Members of the Senate on both sides would insist on having a copy of the committee report. I would like to see what the minority views are, as well as the majority views.

Can anyone assure me as to when this committee report is going to be made available? Here we are, starting on a massive bill. As I say, I may vote for it. But we are ramming these bills through. Apparently, that is the goal now, to ram these bills through. That is why there is a Senate. The Senate has rules that are different from those of the other body, and we have a responsibility as representatives of the States. This is the only forum in which the States are fully represented. We have a responsibility to know what is in these bills. So can anyone assure me that we are going to have that committee report today, or before noon, or before 3 o'clock, or when? If nobody will assure me, I can recite history on the English Kings and Persian Kings and the Roman Emperors. I can talk a little bit on something that I know something about.

I will direct that question to the manager of the bill on my own side of the aisle.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the distinguished Senator from West Virginia brings up a matter that has been a little vexing in the last couple days, in that we were promised a report several times and it did not come through at the appropriate time. As I understand it, it was finally filed last evening, but it is not printed yet. I think that is correct.

I would ask for any comments from my distinguished colleague from Idaho, but that is what I have been told by staff.

I am told by staff that a printed version may be here by 1 o'clock today—is that correct?—1 o'clock this afternoon. So perhaps that is the answer to the question of the Senator from West Virginia.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, if I may respond to that. It is my understanding that all members of the committee consented to go ahead and make their comments part of the RECORD, that the unanimous-consent agreement was offered on Tuesday that we could proceed with the bill on Thursday, and that the report will be available at 1 o'clock today.

Mr. GLENN. If I might respond to that.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, that was not our agreement in the committee. We did not agree to have it made part of the RECORD. When it was proposed that it would suffice that just the views would be placed in the CONGRESSIONAL RECORD rather than filing a report, we objected to it and had a vote on it in the committee. We lost that vote.

So the normal processes of the committee, the normal filing of the committee report was passed up. It was not agreed to by all of us on the committee. There was a considerable number of discussions held on the floor here and back and forth between the minority and majority leaders as to whether we had a right to demand that report prior to consideration of the bill or not.

We finally, late yesterday, in order to get on with this—we are not trying to delay things, we are just trying to make a due process of the Senate and Senators' right to know what they are about to consider; that that be in order and not be bypassed.

I will have some comments later about steamrollers here and things like that that Senator BYRD just addressed. But I think this is a very serious bill. I look at this as landmark legislation. We wanted to have all the advantages

of a report and so on. We did not agree in committee to bypass and let the CONGRESSIONAL RECORD be a substitute for the committee report. But, as I understand now from staff, we will have the report by about 1 o'clock today.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I look forward to seeing the report. I have been around here long enough to know that when the Democrats were in control of the Senate there were times in which we did not file committee reports. There were extenuating circumstances that led to those decisions. But we are not up against an adjournment sine die deadline. We are not up against the end of the fiscal year deadline. We are not up against any deadline.

Why can we not have the time to produce committee reports on these far-reaching bills? I think the American people are entitled to know what is in this bill. I think we Senators are entitled to know what is in this bill.

I am not on the Budget Committee, as I have stated already, but I represent a State. As I understand it, the majority in the Budget Committee voted against filing a report so as to gain time getting this bill up before the Senate.

Well, it is an important bill, but we should at least have the time to know what is in the bill. We ought to have the individual views of the minority views so we could make judgments on amendments. A call came to my office as to whether or not I would agree to a unanimous consent to adopt the committee amendments en bloc, with the exception of two. Well, what are the committee amendments? What are the objections to them, if any?

I understand the Budget Committee will still not file a report until Tuesday. Whether this information that I am receiving is correct, I do not know.

But, I simply want to raise the flag at this point to state that I think that Members of the Senate are entitled to have a committee report this early in the session. There is no deadline that we are fighting here, that we are backed up against, so what is the hurry?

So I may object to the adoption of the amendments en bloc, until I see the report, at least. I am not setting myself up as a traffic cop here, but I know something about my responsibilities as a Senator from the State of West Virginia. I have been around here long enough to realize that there is a way to do things that will give all Members an opportunity to properly prepare themselves before they cast their votes.

So I will yield the floor at this point, with assurances now that we will get a committee report that has been filed by Senator GLENN's committee and Senator KEMPTHORNE's committee. But I still say we still do not have the report from the Budget Committee.

Mr. President, I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we objected in the committee to this, as I told the Senator from West Virginia. The vote there was a party line vote of 8 to 6, Senator DORGAN being absent and not having left instructions on this particular matter. So we objected to it and had a vote on it and we lost on a strict party line vote.

Let me just add that to the comments of my distinguished colleague from West Virginia that we normally require these.

When I was chairman of the Governmental Affairs Committee for the last 8 years, we, on a number of occasions, submitted legislation without report language, but always with the full consent of everybody on the committee. If there was objection to it, I did not submit it unless it had a report with it.

In this case, we were overridden by the vote and so it was submitted. And it was suggested that publishing the information in the CONGRESSIONAL RECORD would be adequate. We said, ''Yes, but that does not include our minority views.'' And they said, well, publish your minority views in the CONGRESSIONAL RECORD, then, like they were doing.

Well, I objected to that and called for a vote on it and we flat lost. So it was submitted. So that is how we got to where we are today.

I do think, I agree with the statement of the Senator from West Virginia, it is very poor practice. It does not let Senators be fully informed. If this were some perfunctory little bill, just a little thing we were passing that did not make that much difference, it would be different. But, as I will say in my opening remarks on this bill in a few moments, I think this could well be titled landmark legislation. I will give a little history of this.

How did we get to the status of having such a Federal encroachment on State and local governments? Well, this started for good reasons perhaps and maybe some of those reasons are now gone. But it started back about 60 years ago when this country had really lost its way, and I mean lost its way. We were in the throes of a great depression. We had 4 years where unemployment was over 20 percent. I looked it up last night. In 1933, 25 percent, one-fourth of the United States, was unemployed and gone was the ability of communities and local level people to take care of all their own problems. The Okies were heading for California with a mattress on top of the car and all the things we have seen in the movies and so on. So back in those days, the old idea of the Norman Rockwell ideal of America, where people took care of people and the community and the church would suffice for all of our social services, broke down. I mean it broke down.

The Senator from West Virginia and I are not too far apart in age, but I remember those days, because I had a little paper route. I worked to get my spending money. We planted a big garden and things I will go into a little bit later. But then came in what was called the New Deal and it was widely criticized even then: Well, it is a big encroachment. But it took over from the failure of the community and local governments to be able to handle all the concerns and the needs of their own people and it put in national programs. In the intervening 60 years, some of the programs have gone too far, and when we have 125 different job training programs, we need to take a look at this. Yes, we do. This legislation, for the first time, says that we have to do this. We have to consider the costs up front. We can override them. It does not take the authority away from the Senator from West Virginia, me, or anyone else to override what is being proposed if it is important for the people of this country.

This bill has been much maligned and misrepresented in that regard. All it says is we have to get the estimates. We have to consider these things up front. Then we can vote the will of the Senate. We say that mandate goes in, and I do not care if it costs $900 billion, it goes into effect and we will vote it and that is it, by majority vote.

The Senate's rights in this regard are absolutely fully protected, or I would not have gone along with this to begin with or been a part of sponsoring this legislation. It says that, if we do not do these things, if we do not consider the costs up front, if we do not have an estimate, then a point of order would lie. We have to have that vote on a point of order. A point of order would lie against the bill, and we would have to give a waiver to consider. That is fair enough, I think. That does not take away any of the powers of the purse or powers of the Senate or anything else.

I think as far as this being important legislation, I agree with that 100 percent. I think the idea that we should just somehow rush through this thing because it is nice to be on a fast track around here with the new management in the Congress, I would just think from the other side of the aisle they would want to look at this thing very carefully.

It is one thing to go through congressional coverage and say, as we just voted out last night, we want to keep off all the nongermane amendments. I agree with that. My personal view is we should sometime get around to putting germaneness rules in the Senate. But we do not have any. People were quite justified in bringing up whatever they wanted to bring up, and we voted them up and down and finally wound up getting something through.

This legislation is very, very important. I give an example where we do not want to be on such a fast track with this that we do not require good legislation. The way it is written now, a point of order could be called against any amendment, for instance. We might say, ''OK, we waive the point of

order against the whole bill; we will now consider it open for amendments,'' and people start putting in amendments. You put in an amendment that has an impact of over $50 million, a point of order lies against the amendment. Anybody wanting to obstruct the activities of the Senate and stop legislation in its track, all they have to do is put in 8 or 10 amendments, whether serious or not, that have either a total aggregate of over $50 million or each one says $100 million or $150 million, whatever, and a point of order would lie against those and we would be weeks and months getting through that kind of legislation.

So what we are setting up here, if we do not correct that little loophole, which I will propose to do later, we would be setting up a situation where a whole new filibuster procedure by amendment could stop any legislation right in its tracks because we do not have germaneness rules.

We could put in something for social services in a completely different field than the legislation being proposed. As long as it had that excess cost, it would be subject to a point of order. We could stop anything dead in its track around here; another means of filibuster by just a different process.

I think there are some things like that that I would hope that our majority leader would agree should be corrected and we not try to freeze out amendments on this, because there are some that are very legitimate and they are germane. They will make it better legislation.

Mr. GREGG. Mr. President, Will the Senator from Ohio yield for a question?

Mr. GLENN. I yield the floor.

Mr. GREGG. Mr. President, if I could just ask the Senator regarding the point of order issue which he has raised it against.

Again, however, it is not a supermajority. It is a 50-vote point of order. So, essentially, if someone offers an amendment on the floor relative to this bill, relative to any piece of legislation, which amendment involved an unfunded mandate of $50 million for the public sector, $200 million for the private sector, then the point of order would be raised, but it would not create an extensive delay because the amendment would either pass with 50 votes or fail with 50 votes, and the point of order would pass or fail with 50 votes. So it would be a fairly simple event to get a vote on it and move that issue.

Mr. GLENN. Mr. President, I reply to my distinguished colleague that we would still have to get the estimate of the cost on that particular thing. That might be a delay, whether to move to the point of order or not. Debate over that would be a delay. I could just see lots of mischief with the point of order lying against every amendment.

I am probably going to propose later an amendment saying when a bill comes up that is obviously over $50 million, a point of order could lie at that point, save the Senate's time, and not go through the whole bill. Then we would not raise a point of order against each amendment, but it would be in order at the end of the amending process. We may have 20 amendments that have been put on a bill that then total $100 million or whatever. At that point, then, this additional cost should be subject to a point of order after consideration of amendments, and a point of order could be lodged, then, before the final vote on that, after all amendments have been taken into account.

I think that is a fair way to do it. That is what I will propose a little bit later. I hope we have support for that so we do not set up another filibuster process.

Mr. GREGG. Mr. President, I appreciate that point. If I may finish briefly, I will be happy to yield the floor to the Senator from West Virginia.

That is obviously going to be an item that will raise considerable discussion as we go down the road. I think it is important to make the point that the Senator from Ohio made so eloquently, that the representation that the unfunded mandate, this bill, as a bar to unfunded mandates, creates an onerous event that this legislature cannot set aside or pass unfunded mandates is not accurate.

I would rather have more of a majority before an unfunded mandate could occur. Under the terms of this bill, it is a 50-vote event in order to place in law an unfunded mandate.

Second, the point of order can be passed or can be overruled with a 51-vote event on either the amendment or on the bill. So, as a practical matter, this will not, in my opinion, be an unyielding bar to the legislation itself. But I look forward to the presentation by the ranking member of the committee of the ways we can improve this language. I know Senator KEMPTHORNE would also look forward to working on that matter.

On the second issue which has been raised today, the matter of the report, I can appreciate the concern of the Senator from West Virginia because of his protection and commitment to maintaining the character of the rules of this Senate. But the reports were waived by a proper vote of the committees.

In order to be somewhat responsive to the concern of the minority—and I recognize that the minority feels it was not totally responsive and has expressed frustration—but there was a delay put into the period during which the bill would be brought forward. The bill was brought forward under unanimous consent, so any Senator who wished to object had the opportunity to object. The report, the language, will be published. As I understand, it will be available by 1 o'clock, and we will not move to any sort of amendments or votes on any amendments until 2 o'clock. So there will be time available for people to read those.

There was an attempt, obviously, to use the CONGRESSIONAL RECORD as a process for information here, which was not pursued. I can understand the minority membership deciding not to pursue it. There was an attempt to be accommodating, although I appreciate the fact that the underlying decision to waive the report is one that the minority finds frustrating, but in this instance the majority leader felt it was important to move this bill forward. That is why the decision was made. It was done in the proper course. It was done in a correct manner through the votes of the committees of jurisdiction.

I yield the floor.

Mr. GLENN. Mr. President, addressing this matter of the amendments, which I would like to address, we just got a letter from Bob Reischauer, head of the Congressional Budget Office, and he addresses this. I think it is important to read this, because it shows how this could work in practice here on the floor.

In a paragraph here ''estimating state and local costs for floor amendments,'' which he addresses, it says:

> The second question deals with CBO's role in determining whether a point of order lies against an amendment for breaching the $50 million threshold for intergovernmental mandates. S. 1 would require CBO to prepare estimates of the cost of intergovernmental mandates for reported bills but not for amendments, motions, or convention reports. H.R. 5, the corresponding House bill, instructs CBO to provide such estimates for conference reports to the greatest extent practicable. The point of order, however, would apply to all stages of the legislative process. How, then, would the Chair determine how to rule on a point of order made against an amendment, motion, or conference report? If, as in the version of the bill reported by the Governmental Affairs Committee, the Budget Committee is charged with determining whether the threshold is exceeded, would it have available a CBO statement on which to base its determination?
>
> As we have indicated in previous letters to you and others, preparing reliable State and local cost estimates is a complex and time consuming process. In the case of some reported bills, it would be very difficult, if not impossible, to determine, with any confidence, whether the likely cost is above or below the $50 million threshold.
>
> The problem becomes even greater with regard to amendments which are not routinely provided in advance to CBO and may not even be germane to the bill under consideration.
>
> Furthermore, the time available for analysis is likely to be quite short. We, therefore, expect that the process would be similar to that used for existing Budget Act points of order against floor amendments. In such cases, the Budget Committee staff consults informally with members of the CBO staff in order to make a judgment as to the budgetary impact of an amendment.
>
> Similar informal consultation would presumably be necessary with regard to amendments involving State and local mandates because CBO will not generally be preparing formal cost estimates for such amendments. In many cases, however, it will probably not be possible for CBO to make quick and precise judgments as to the impact of proposed amendments on States, localities, and Indian

tribes. In such situations, the Budget Committee, or the Senate as a whole, would have to exercise its best judgment.

I repeat the last sentence:

In such situations, the Budget Committee, or the Senate as a whole, would have to exercise its best judgment.

So we come back to what I said earlier. The Senate retains final authority. We have not abridged that in any way. I think Bob Reischauer, as Director of the Congressional Budget Office, spells it out very well, what the problem is and how this could well be used to create a filibuster situation.

I yield the floor.

Mr. BYRD. Mr. President, I thank both Senators for their responses and explanations. I had hoped to see a Budget Committee report. I had hoped that we would be able to see what the minority views are, the individual views and the majority views are with respect to the Budget Committee, as well as this committee, which obviously has done a lot of good work on this legislation.

But I thank both Senators. I hope that we will be able to see a copy of the Budget Committee report in due time before we finish action on this bill.

I see the distinguished Senator from Michigan on the floor, who is a member of the Budget Committee. The Senator is not a member of the Budget Committee. Very well.

Mr. LEVIN. The Governmental Affairs Committee.

Mr. BYRD. Governmental Affairs Committee. I thank all Senators.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank the Senator from West Virginia for raising what I believe is a very fundamental issue here, which is the absence of a committee report printed and made available to Members of this body, both from Governmental Affairs and from the Budget Committee.

Neither report is apparently yet printed. In one case, I do not think there is going to be one, in the Budget Committee instance. Relative to Governmental Affairs, despite efforts over the last few days to make sure that report was available before this matter came to the floor, that report is still not printed, as I understand it.

This process is just simply not the right process. We should not be legislating on something this important without a committee report for people to consider. This is a different bill from last year. It is an important bill. I supported last year's bill. So I come into this debate as somebody who would like to support the final product because I believe there have been too many mandates imposed on State and local governments, particularly on functions which are predominantly governmental, without consideration of the impacts.

I come out of local government. Just the way the Senator from New Hampshire is a former Governor, I am a former local official. I understood—not just a few years ago—a decade and a half ago how frustrating it can be when local and State governments are told by the Federal Government they have to do certain things but are not given the funds to do it.

So my instinct here is to try to work out a bill which is workable, which would require us to consider the impact of mandates on both the public sector and, frankly, on the private sector. We have not given enough consideration to the impact of mandates on the private sector, either. While that is part of this bill, it has been described mainly as a public mandate bill. It really is both. It has some elements that apply to the private sector.

This bill was introduced last Wednesday night. Now, if this were the same bill as last year, then we might say, ''Well, we have had a chance to debate this and consider it in committee.'' Again, I voted for last year's bill, but this is a very different bill. The point of order works in a very different way. The impact on the appropriations process is very, very different this year from last year, and the impact on spending by the agencies can be dramatically different this year from last year. So it is a different bill.

It was introduced on Wednesday night. We had a hearing on Thursday in the Governmental Affairs Committee. The markup of this bill was scheduled for Friday. Introduced Wednesday night, hearing Thursday, markup Friday. Some of us objected to that speed with something this significant that can have a major effect on health and safety regulations and on employment regulations. We felt there should be a little more time. We scrambled for as much time as we could get. We were able to get the markup delayed until Monday. We had the weekend, at least, to consider the bill.

At that markup, there was an effort made to offer some amendments, to make sure that this would not discriminate against the private sector, for instance. There is some real tilt in this bill potentially against private enterprise that might be competing with the public sector. If you have two folks in competition, let us say, both running a waste disposal operation, one is public, one is private, and there is a suggestion here that we are not going to require the public operation to clean up its emissions but we still would require the private operation to clean up its emissions, you can create some significant competitive disadvantages for the private sector in this bill, and some of us feel we ought to address that issue. There are ways of addressing that issue. We might even get some bipartisan support—we do not know—we hope.

There was an effort made on the process question relative to the point of order, because this point of order has some complications which we have not even begun to consider. This version that came out of Governmental Affairs requires the Congressional Budget Office to make an estimate, even if it is impossible to do so. It still says you have to do it.

Last year we said, if they cannot do it, if it is impossible, they should say so, because intellectual straightness requires that option. This year, no such possibility. They must do it. So an amendment was offered in committee: What happens if it is impossible? They told us at times they just cannot do it. This is even if they have time to do it.

The Senator from Ohio raised the question: What about amendments on the floor, and so forth, where you do not have this time and where these issues are critical? Even if they have time to do it, it may be impossible. Are we going to allow them to tell us it is impossible and then we would consider that on the issue of whether or not to impose the mandate? No, that amendment was defeated, too, saying that they ought to have that same option to be honest that they had in last year's bill and that they have relative to the private mandates.

In the Governmental Affairs Committee bill, we do allow the Congressional Budget Office to be honest and say they cannot make an assessment; it is impossible when it comes to the private mandate but not when it comes to the public mandate.

So we had an amendment saying let us allow them to be honest. If they cannot make an assessment, let them do it. That amendment was shot down, too, in Governmental Affairs.

Finally, Senator PRYOR, the Senator from Arkansas, offered an amendment: Let us have a committee report before this thing goes to the floor. Let the Members of the Senate spend a few days at least on something this significant in terms of private competition with the public sector, in terms of health and safety and environment laws; let us spend a few days at least reading a committee report.

This was the Governmental Affairs Committee, Mr. President, this was not the Budget Committee. And I do not know everything that happened in the Budget Committee. Maybe my friend from New Hampshire is on that committee. I should know, but he may know, in any event, whether he is on the committee or not, what the circumstances were in the Budget Committee.

I think the report has arrived. Lo and behold, the report has finally been printed.

Mr. BYRD. Will the distinguished Senator yield?

Mr. LEVIN. I will be happy to yield for a question.

Mr. BYRD. Mr. President, I first apologize for assigning the Senator to the Budget Committee, and he is really not on that committee.

Mr. LEVIN. This does not require an apology. I would love to be on the Budget Committee.

Mr. BYRD. I only knew that he had some concerns—I heard he had some concerns—about the bill. I took it for granted. I should have reviewed the list.

But in any event, I thank him for his statement. It underlines the concerns that all Senators ought to have with respect to the absence of a committee report. I had in mind the committee report from the Budget Committee because I had heard—I think I read somewhere perhaps—the members of that committee, minority members, had sought to have a report so that they could present minority views, and so on, and that there was a vote and the idea was rejected.

Mr. LEVIN. And if I may ask my friend to yield, there was a vote in Governmental Affairs, too, and the idea was rejected.

Mr. BYRD. Yes.

Mr. LEVIN. Senator PRYOR from Arkansas asked that there be a report prior to this coming to the floor, and it was rejected on, I believe, a party line vote. I am not positive.

Mr. GLENN. Eight to six, with DORGAN missing.

Mr. LEVIN. With a Democrat missing.

Mr. BYRD. That is what I just learned here in a colloquy.

I had in mind all along the Budget Committee report, and I had heard that it was stated in that committee that, no, we are not going to have a committee report. You people who are now in the minority—perhaps it was not said like this—but you folks in the minority have to get used to the fact that there were times when you did not have committee reports, which is true. But as I said earlier, there may have been justification other than hurrying the bill through this early in the session.

But I heard it stated there would not be any committee report; that the effort was in accordance with the wishes of the leadership on the other side that the bill he brought up quickly in the Senate.

I can understand all of that. But, Mr. President, we also have obligations, each of us has an obligation to know what is in this bill, and I think it is very important that we see those committee reports. I wish to see the committee report from the Committee on the Budget. I assume there is going to be one filed. I do not know. I had heard there would be one filed.

But that, Mr. President, was my impression when I acceded to the unanimous-consent request to take up this bill today. I had in mind the Budget Committee report. I did not state that specifically because I was not thinking in terms of another committee. I was thinking in terms of the Budget Committee because that was the committee that I had been reading about and it was those committee members from whom I had been hearing with respect to the denial of their rights to have minority views and a committee report. I had in mind that committee report.

So I hold myself responsible for not having ascertained more clearly what committee we were talking about. I am 77. I still have a lot to learn. I am still learning. And so I have learned from this experience. But I thank the distinguished Senator from Michigan for his explanation. I hope he will continue to keep us informed as to the problems that he sees in various areas with respect to this legislation.

I thank him.

Mr. GREGG. Mr. President, will the Senator yield?

Mr. LEVIN. I would be happy to yield for a question. I did want to complete my statement. I would be happy to yield.

Mr. GREGG. For a question, or a response.

The PRESIDING OFFICER. The Senator from Michigan yields to the Senator from New Hampshire for a question.

Mr. LEVIN. If I may clarify that, I would be happy to yield to my friend from New Hampshire, who is, indeed, a member of the Budget Committee.

Mr. GREGG. We have just received a report—ask and you shall receive—from the Governmental Affairs Committee. I do not believe there is going to be a Budget Committee report, as I understand it. There are, however, additional views which are available, which include views of members of the Democratic side of the committee. The opportunity obviously was not afforded, as I learned earlier in the colloquy, to present these views in the report.

Mr. BYRD. Will the Senator yield?

Mr. GREGG. I do not have the floor.

Mr. BYRD. Mr. President, I ask unanimous consent that the Senator yield.

Mr. LEVIN. I would be happy to yield for that purpose.

Mr. GREGG. I guess it gets to me.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I asked the Senator to yield only because I had just heard that the minority members of the Budget Committee had been asked to file their views in contemplation of the committee report that would be printed by next Tuesday.

Mr. GREGG. I must not be current on the situation, because my understanding was that we were going to be going with this report language—this is not report language—these additional views. If the decision has been made by the leadership of the committee to go with the report, I did not know it.

Mr. BYRD. I thank the Senators.

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. LEVIN. Just to complete this process question, it is an important question because this is an important bill and the Members and their staffs ought to have an opportunity to review the committee report. My understanding is that the Budget Committee has adopted some committee amendments which are very different from the committee amendments that have been adopted by Governmental Affairs on the critical point of how do you implement the estimate. And I am wondering if my friend from New Hampshire would confirm if this is accurate since he is a member of the Budget Committee.

I am wondering if I could just have the attention of the Senator from New Hampshire for a minute. My understanding is that the Budget Committee adopted committee amendments which struck the function of the Budget Committee and the Governmental Affairs Committee in making the final determination of the amount of the cost of these mandates, or related to that subject. Am I correct in that regard?

Mr. GREGG. The Senator is correct. And the expectation is that Senator DOMENICI will be addressing those, and the Senator will have the right to object when those amendments are brought forward.

Mr. LEVIN. And I do know that at some point they will be offered. But I would only point out also to the ranking member, to the Senator from Ohio, if he could also then give me his attention—forgive me—on this, that the Budget Committee has adopted a committee amendment which is significantly different in terms of the mechanism to implement this from the mechanism adopted in Governmental Affairs. And the Senator from New Hampshire just confirmed that, in fact, the committee amendment in the Budget Committee did strike the role of the Budget Committee and the Governmental Affairs Committee in making that final determination of what the cost is.

Now, it is correct, of course, that Senator DOMENICI would be here when that amendment is presumably offered. But it is critically important that the Senate understand the difference in the process which is being proposed in the Governmental Affairs majority position from the Budget Committee position, and the report would be very helpful in this regard.

This is not an insignificant thing. It is dry stuff. I know how dry these processes can be. But this Senate, if this bill, either version, passes, will be in a position of having our Parliamentarian decide what is the cost of implementing mandates. Think about it. The Parliamentarian will have to make that final decision, amendment after amendment after amendment, bill after bill after bill. We would have to have the Parliamentarian figure out what is the cost of implementing a mandate against State and local governments.

It is, I think, an impossibility for the Parliamentarian to do it. I think it is at times going to be impossible for the Congressional Budget Office to do it, honestly. So I think we ought to allow them to tell us that.

But there is a fundamental difference here which can confuse this process. If

we think we have a potential for gridlock, which we do, there is a potential for a train wreck on this floor, day after day, unless we adopt a mechanism which is workable.

Let me close with this comment. I believe we should require an estimate, as we did in last year's bill. I believe that. I think we ought to know what we are doing when we adopt a mandate, both as to the private and the public sector, and we ought to take the time and require the Congressional Budget Office to tell us what we are doing to people, what is the cost of a mandate, not just on local and State governments, but also on the private sector. It is worth doing. But we also should be straight enough with ourselves to say that at times it may be impossible. At which point we may decide that is a good reason not to impose the mandate, by the way. But we ought to be straight enough with ourselves to say yes, there will be occasions when there is no way of knowing. And we will get into that this afternoon during the amendment process, because there are those occasions. But we also ought to avoid putting in place a mechanism which will turn out to be a farce or a charade, which will result in waiver after waiver after waiver, by not having a mechanism which is workable.

We all live and work in this place. We know what will work in the real world of the Senate, and we should have a mechanism which will work and not one which will be just atrophied, which will be a formalistic thing which will be waived. Because I do not think we want to put ourselves in the position of just having almost an automatic waiver of points of order by majority vote, which is provided for. We have these 51-vote waivers that are possible in both bills. But I think we want to be serious about it. We do not want to just put into place a mechanism which will result in the Parliamentarian ruling on every amendment about what the cost is of adopting new standards for incinerators across the country in the year 2002. The Parliamentarian cannot do that. And there will be times the Budget Office cannot do it, and the Budget Committee cannot do it. And the Governmental Affairs Committee cannot even determine that there is a mandate. We ought to allow for that honesty. We ought to allow for it and then consider the absence of the ability to make that estimate in our decision as to whether to impose it on both the public and private sectors.

So I have been one who has urged that we have a report. I have urged that we have a report from both committees. As a matter of fact, I urged this to such an extent, may I tell my friend from West Virginia, that 2 nights ago on the floor, it was my understanding that part of the unanimous-consent agreement which allowed for this bill to come to the floor today was a specific agreement that the majority report would be submitted by midnight on the night before last, to give the Senators a chance to read it and file concurring or dissenting views by 6 o'clock last night.

This did not happen. Apparently there was a misunderstanding, despite what I thought—and the Senator from Ohio is here, too, and he was part of this—was a pretty clear understanding. I do not want to lay blame. It is water over the dam. But I want to assure my friend from West Virginia, we made a real effort, including the leadership which was involved in this discussion, as to how could we make sure that there would be a report. We were talking about Governmental Affairs, that is true. We, not being members of the Budget Committee, were not fighting that battle. But how could we, as members of Governmental Affairs, assure that there be a report printed, available to the Members, prior to this bill coming to the floor?

We thought we had accomplished that with this understanding. We failed, and I am not going to, again, point fingers. It is not important. Apparently, it was just a misunderstanding. That can happen around here. So that is not the point. The point is we did make that effort for the reasons which the Senator from West Virginia indicated. There should be a report filed before a bill of this consequence comes to the floor.

I yield the floor.

The PRESIDING OFFICER. Senator from Ohio.

Mr. GLENN. Mr. President, when we got started off this morning, Senator KEMPTHORNE made his opening remarks and we got off on some other matters here, and I did not finish my opening remarks. And I want to do that.

I do not want anyone to get the impression that because we have been questioning some of the means by which this was brought to the floor, and how we are going to consider amendments and so on, that I have in any way weakened my support for this bill. This is the Kempthorne-Glenn bill. My name is on it. I am proud of this. I think it is something we should have done a long time ago. The discussion this morning indicates we think it can be made better, more workable. That is what we are about.

I have been proud to work with Senator KEMPTHORNE on this. No one has devoted himself or herself more assiduously and continuously to this than he has over almost 2 years. He has worked on this very, very hard and kept at it. As chairman of the Governmental Affairs Committee last year—I said this publicly before—anytime I went a week without getting a call from him as to when we are going to have our hearing and when we are going to get this thing out, when we are going to get it scheduled, it was an unusual week, if that happened. I have been with him on this.

So we worked very hard on this and worked together. He has worked on it, and has just done yeoman's duty on this. He has traveled all over the country, meeting with what is called the Big Seven, the groups of State, local, and municipal employees, and so on. I do not know how many speeches he has given. He sought their advice, their counsel on this, all over the country, and has traveled for the last year and a half in that regard. He deserves a tremendous amount of credit for the devotion to this that he has shown.

I think this is landmark legislation. We have a lot of bills go through here. I think we have some 9,000 to 12,000 bills, resolutions, amendments, and so on, that get submitted every year. So we sometimes think we can just pass things through and let us give them the fast treatment here and get them on through and out of the Senate and get onto something else.

But occasionally something comes along that I think deserves to be looked at very, very carefully before we enact it, and this is one of those bills that I do not want to see rushed through. I know all the push right now for getting things through and showing action on the Senate side, and so on. But I think we want to do this very carefully.

The reason I say this is landmark is this changes the direction, it changes the considerations that have to be given to matters that come before us that affect the Federal, State, and local relationship. That makes it an extremely important piece of legislation. It is the first time that has been done. I submit this redefinition of the Federal, State, and local relationship deserves some attention on how we got to this state. What happened in the United States of America that led us into this sort of a quagmire of relationships here that we, just for the first time now, are beginning to try to change?

In some respects, I think we could go back 60 years on this, to where more Federal programs became necessary. What was the genesis of that, back in those days of 60 years ago? We can say before the 1930's, communities basically took responsibility for social matters and social services and the morals and mores and the ethics of the local community. Families grew up pretty much in the local area and stayed in the local area, by and large. They did not have the same mobility we have today, where the last figure I heard was 20 percent of our people moved to a different domicile each year and 16 percent of our people move across State lines. I would have to double-check that figure to make sure it is accurate, but that is what I recall.

In other words, back in those days, there was much more stability of community and church and family relationships, where communities took care of their own. And I can attest to that. I grew up in a small town in Ohio, where that was the norm when I was growing up. In New Concord, if a family had a problem where something was wrong, other people pitched in, the church pitched in, their neighbors

pitched in and helped them out, and that was social service at its finest.

It is too bad that we have gotten away from that in this country because of the complexities of our modern day life, but it is a fact of life that we have. Back in those days, the community helped and the worst that could happen, maybe, was that there was a county home for somebody to go to. And it rarely got beyond that.

Taking care of one social service, if it was a school that served the whole State as far as training for the blind but that is about as far as it got outside the local community or the county consideration.

(Mr. SHELBY assumed the chair.)

Mr. GLENN. That was fine up until about 1930 and the great crash and the Great Depression. What happened then? It got beyond the ability of communities to do for themselves and to take care of all of their own people. I can remember those days. I am old enough to remember those days. I was about a 10- or 12-year-old kid at that time with a paper route, all the other things that went with earning your own money then in those days of the Great Depression. My dad had a little plumbing and heating shop. There was no business in that. We were hard pressed.

I remember one of the most disturbing conversations I ever heard in my life, my father and mother sitting quietly talking at the dinner table after dinner—I was in another room—about whether we are going to lose our home, and whether the mortgage was going to be foreclosed. They were very concerned. That struck terror in my heart. I did not know what was going to happen, where we were going to go, and what we were going to do. Along with a lot of other programs that were put in at the time, the mortgage was not foreclosed.

But those were days when unemployment for 4 years was over 20 percent. In 1 year, 1933, it was 24.9, with almost 25 percent of the United States unemployed. There was no money. The whole American dream was collapsing very, very rapidly. We need to remember that as to why this whole thing started, and what happened in the little community of New Concord, OH. People planted big gardens. My dad rented an extra 2 acres. We planted it. My mother canned, as they called it back then. Sometimes you talk to people now and they do not even know what this means when you say you canned food. There were glass bottles of course. Later when my mother and dad both passed away we were cleaning out some of the basement back home a few years ago. Here were hundreds of the old Mason ball jars that we used to use to can things out of this garden.

My dad used to give to the neighbors what we did not need, and to the people that needed the help in the community. I am not bragging about my dad or what we did. That was the norm in those days. But we went 4 years with unemployment above 20 percent; 1 year with it up to 25 percent almost, in 1933, and it got beyond the ability of communities to take care of themselves. The Okies were heading for California. We see movies with the mattress on top of the car and the other things. And that was for real.

Some of us here we can remember those days, and it is not ancient history. It is something that happened in our own lifetime in this country. Well, the country was literally destitute at that time with what happened.

Franklin Roosevelt was elected, and we had the New Deal. It was controversial. I can guarantee you. I can remember some of the arguments about that even though I was a kid at the time—the National Recovery Act, the National Industrial Recovery Act, the WPA, FHA that saved our home mortgage and we were able to refinance the home. So we did not loose the home back in those days.

We could go on with all the details of what happened back in those days. But these programs came in, and even though they were extremely controversial back in those days, they helped out. They became in many respects a replacement for the social services that had been provided by communities and church and family relationships on that kind of a basis. And the State and the Federal Government had not been involved in these things before.

There was a lot of debate about this at the time, and a lot of argument. I remember even in the churches hearing sermons against the NRA and what was called the New Deal, and they held up the little spread eagle symbol of the New Deal back at that time as a symbol of the anti-Christ, and all the dire portent of that was brought out.

But it was determined by the will of the people of this country that we went ahead and backed the programs of the New Deal. And they in fact became sort of the change in the delivery of social services for the United States. That has been the norm then as we have become even a more complex country, a more mobile, flowing population all through these years.

Have many of these social programs and the training programs and so on gone too far in that 60-year period? Of course. Certainly nobody in this Chamber I think would disagree with that. When we have some 128 I think it is different job training programs, many overlapping each other, have we gone too far in providing some of these services that used to be in the communities? Yes.

I bring this up for their reason. As we now move to turn more of these things back to the State and local level, granted things have changed in this country over 60 years. But will they pick up these responsibilities being sent back for all the programs that we are talking about? Will they address matters that were not addressed back there 60 years ago? Maybe it is not right to compare the same situation with 60 years ago. But I think it is right to ask that question. I think as we start this process through this landmark legislation that it is right to consider that.

Some of this reversal, some of this new federalism as it was called back in the Reagan years, or called by some the ''Reagan Revolution'', it went to a certain extent in starting the reversal of some of these programs but in some respects added to the problem because the funding did not go along with the reversal.

So we see what the current situation is. Let me quote briefly out of last year's Governmental Affairs Committee report on the mandate reform bill. We voted this out last year. What is on the floor right now is not something brand new just ginned up since the November 8 election. We have been working on this for almost 2 years now in the Governmental Affairs Committee. We voted it out last year and had it out in the middle of the year ready for consideration here on the floor. Then because of the filibusters and the delays and delays that occurred it came down to about whether we could get it through by unanimous consent. We could not do that in the waning days. So it was not adequately considered, not considered for a Senate vote last year.

But out of the report that came out with that bill last year, the committee report, let me quote to show what has happened over the past decade or so where this whole problem has increased tremendously.

In that report the Congressional Budget Office indicated that there were 89 bills between 1983 and 1989, 89 bills that cost over $200 million each. I think as the arithmetic comes out that is somewhere around $17 billion that we loaded onto the States with those $200 million each, some of them more than $200 million. But even at the bear minimum it comes out to a $17 billion load you put on the States or local communities.

There were 382 bills reported out with new costs to them and not all of those became law. But that would have added to that total also.

Even quite apart from that, the Environmental Protection Agency estimate is that environmental mandates to State and local governments rose from $22 billion in 1987 alone and will rise if not changed to $37 billion by the year 2000; $37 billion. The Vice President has headed up this National Performance Review, of course, since the new administration came in, the Clinton administration. And the estimates that the Vice President and the NPR group have made figures that the environmental concerns will be consuming $44 billion. We will have loaded the States and local communities with $44 billion by the year 2000. That is an enormous load.

What happened? Did we send money along to do that, to help take care of that, or help mitigate this so the

States and local communities do not just say we will try to do this but we just cannot do it? Do we help them out on this? No.

Let me tell you what happened. Aid to State and local governments fell 28 percent in real terms during the decade of the 1980's. In other words, while we had that new Federalism going on that was supposed to be very good, it really impacted State and local governments tremendously. The aid to State and local governments fell 28 percent in real terms during the decade of the 1980's, at the very time when we were loading them up with all these other things I just mentioned that made it more costly for them to do business.

To add insult to injury, in 1986, even general revenue sharing was terminated. That provided $4.5 billion a year of flexible funds. Since 1972, up to the time of its termination, that provided $83 billion in general revenue out there for States and local communities to use for helping take care of some of these costs. What did this do? Do we have any specific examples? Let me read some portions of things that have come from the city where I live. I live in Grandview, OH, which is part of greater Columbus. The Mayor in Columbus is Greg Lishutka. He did an article in the Wall Street Journal a short time ago, and I think it is worthy of reading some of this into the RECORD just to show the impact on a major American city. I think Columbus is the 16th largest city in the country. So the impact on Columbus of these mandates is representative of what happened over the rest of the country. I will read parts of this:

Opposition to ''unfunded mandates'' has become the latest populist cause against an overreaching Federal Government. Oddly enough, this revolt has been led not by ordinary citizens, but by mayors, county commissioners and governors, on behalf of the taxpayers. When Republican and Democratic State and local officials unite on a issue, even Members of Congress take notice.

While Federal mandates aren't direct taxation, they have pretty much the same effect. It's like having your Uncle Sam take you to lunch, order your food, and then hand you the check. Consider these examples from Columbus.

He gives examples of what happened in the city of Columbus.

After old paint solvents were found in a gravel lot that our city wanted to pave, the EPA's initial demand was that we ship tons of soil to a Texas incinerator at a cost of $2 million. A subsequent health-risk assessment led to a simpler cleanup for just $50,000.

Implementation of the new Transportation Employees Act to randomly test city truck drivers for alcohol and drug use will cost between $50,000 and $100,000 annually.

The Underground Storage Tank Act requires us to move all city fuel tanks above ground. The cost to our fire department and fire division is $950,000—equal to three or four new fire trucks.

The Federal Register estimated that obtaining a stormwater discharge permit under the Clean Water Act would cost $76,681. Our actual cost was $1.5 million.

When home samples of lead in tap water peaked slightly over the Federal maximum, we were forced to mail a notice to all our customers within 60 days, even though the event was short-lived and an insignificant health risk. Since Columbus does its water bills on a 90-day cycle, we had to spend $42,000 for an extra mailing.

Faced with continual surprises of this nature, Columbus did a first-of-its-kind study in 1991 to determine how much mandates were affecting us. From 1970 to 1985, 20 toxic-management mandates had been imposed on local government. Since then, more than 75 have been added. Columbus estimated its total spending on 14 major environmental mandates would be $1.6 billion from 1991 to the year 2000; each Columbus family's share, reflected primarily in water and sewer bills, would be $850 a year. This amounts to a massively regressive hidden tax that hits families and retired people especially hard.

And the regulations just keep on coming.

I thought this was impressive.

Every 6 months, the Federal Register prints an index of every new and proposed rule that might affect local governments. As an experiment, we in Columbus decided to request copies of the 524 rules listed in the April index. We received 207, just 39 percent of those requested. The pile of paper was 5 feet tall—7,067 pages of rules, along with 9,490 pages of supporting documents. The average rule was 34 pages long.

Every city, village, and hamlet is supposed to read them and figure out how to apply them. Columbus is America's 16th largest city, and even we don't have the staff to handle them. How are smaller cities supposed to cope? More frightening still, how can business owners understand and pay for the even greater number of employee mandates?

I will not read the next couple of paragraphs. They deal with the tradeoffs America has to make. A mayor is elected to decide these things on behalf of his or her community. A couple of paragraphs are there on that.

He starts again:

We must do much more. Senator Dirk Kempthorne, Republican, of Idaho, former Mayor of Boise, and Representive Gary Condit of California led the bipartisan charge this year to ban the enactment of unfunded mandates, only to be thwarted by most of the Democratic leadership.

As much as I admire Mayor Lishutka of Columbus, I have to respectfully disagree with him on that particular issue here. I think he got a bit too partisan in that spot, because it was Democratic leadership last year that wanted to get this through and who asked me to try and get it out of committee, along with the pleadings of Senator KEMPTHORNE directly. We had it ready for the floor by late summer. It was on the list of things to be considered. It was because of the filibuster, the scorched earth policy, on the Republican side last year—since he laid this at the Democratic doorstep, I have to pass it back—it was those delays last year that prevented the Senate from getting through several bills, including the bill we passed last night and this bill. Senator MITCHELL, at the last minute, tried to get it through on a unanimous-consent request, and that was blocked. We had blocks on both sides and were unable to clear the last one on our side. This is not fair to say the Democratic leadership, of which I was one, on this issue last year did not try to get this through. We did everything we possibly could to get it through. If there was a reason it did not get through, it was because of the filibusters on the other side and delay tactics.

I am not throwing this back at Republican leadership. I know Senator DOLE, the new majority leader, did not exactly have 100 percent control of all of his Members last fall. There were certain Members who were taking great pride in just blocking things. After one of the votes where we tried to get something through, I happened to walk out in the Hall toward the elevators out here and there were a dozen or so press there. One of the persons leading the fight on the other side said, ''Well, we beat them on another one.'' They said, ''What was it on.'' He said, ''Who cares, we beat them.'' I deplore that kind of attitude. I will not go into that, except to say that with all due respect to Mayor Lishutka, the reason this unfunded mandates did not get to the floor last year I do not think can be laid at Democratic leadership's feet. We were trying.

Other than that, this is an excellent article. He goes on to point out that we are going to get this through, and he wants to see rules and regulations based on cost benefit analysis, actual health-risk assessments. He wants the Federal, State and local governments to be full partners in working these things out. I agree with him 100 percent on that.

What does this legislation do, Mr. President? It is not at all that complicated, although the effects are very far-reaching. It says basically that on every bill reported out to the floor, there has to be an estimate from the CBO of the costs that would apply to State and local governments where those would be beyond $50 million. We would further have to include an authorization for the money or propose taxes to cover this. And if we did not do that, then and only then, if that is all complied with in the legislation, then there would be no problem. If we do not comply with that when it is reported to the floor, then a point of order would lie against that bill that would prevent it from being considered here on the floor, and if we wanted to consider that legislation, which we could, that is fine, we can still consider the legislation, but it would require a majority waiver of that point of order.

It seems to me that is fair enough. We are saying for the first time up front, we have to consider these things before the Senate works its will on whatever it wants to do. And even in that case, we are saying that the Senate can vote on a straight majority vote—majority rules—to say we think this is so important for the country that even though we have not provided this estimate or cannot provide this estimate and we cannot tell where the money is coming from, even then we say we will have a majority vote that says we proceed to this because it is

important for the country, whatever the cost.

But we have to do it with the knowledge up front of what the budget impact is going to be, and what the impact on State and local governments is going to be. It is so commonsense we should be doing this all the time anyway.

We do have a requirement, with all due respect, that anything that is estimated to cost over $200 million coming out of the Budget Committee, we have to note here on the floor. So we do have that. But this goes far beyond that.

So the Senate retains control of the situation in being able to say something is so important that it goes in no matter what, but when legislation comes out, it has to have the estimate of what the mandate, if it is a mandate, will cost.

We also say that there has to be an appropriation for this, then we will stipulate that the mandate expires if not funded or if there is a reduced appropriation. If the Appropriations Committee says: Look, we have so many requests, we have so many problems these days, and we would like to fund this thing but it is going to cost X—whatever it is—and we can only supply half of X this year in the way of dollars. Then we would say OK; if you can scale back and do part of whatever the mandate is, then we will try to work that out. And that is fine. I think that is very, very fair.

The CBO further must consult with State and local officials to get their view of what the costs are. And the rulemaking agencies over in the executive branch must also consult with State and local officials to make their estimates of what the rulemaking impact will be on the cost to State and local governments.

That is not insignificant. Those of us who have been around here for awhile know all the time we pass legislation here, we send it over to the executive branch, and sometimes I think the people over there, we may have a few people in some of the agencies that should have almost the term ''zealot'' applied to them, because they are not going to see that. They are going to see the rules and regulations go out, and they are not going to get caught short on their watch. And they are going to take the legislative history up here and they are going to interpret it in a way that really backs up the legislation up here more than ever was intended on Capitol Hill to begin with.

We have all seen examples or heard examples of the legislative and rulemaking procedures over there that resulted in such horrendous actions of things that never were intended here, particularly with regard to the environment, clean air, clean water, and so on.

So the rulemaking agencies must also consult with the State and local governments.

The private sector also is covered here. Where there would be a cost of over $200 million, we must have CBO cost estimates there also, or a point of order could lie against pieces of legislation, too.

Certain things obviously should be exempt from this process. Civil and constitutional rights. Should civil and constitutional rights be out from under this? I think they should. Those apply to every single man, woman, and child in this country and there should not be any question about that.

National security matters are out from under this; treaty obligations; bona fide emergencies such as natural disasters, and so on, are out from under this.

Also out from under this is when the States voluntarily say yes, we think it is a good idea to put this program in and we think it should go through, and we will voluntarily say we will assume this. I do not know whether that would occur in many cases or not, but that provision is in there.

Now, there are some concerns that we have which were expressed in the Governmental Affairs Committee the other day that are very real concerns. I certainly agree with the distinguished Senator from West Virginia, Senator BYRD, who, on the floor a moment ago, was calling for no steamrolling on this legislation, no rush for this legislation, without due consideration of all aspects of it.

We expressed some of our concerns in the Governmental Affairs Committee in our vote the other day. I had one that I think is necessary on this and I gave an example of it a little earlier this morning.

In other words, a point of order could lie against the bill. Let us say we grant the waiver, so we are going to take this bill up, whatever it is. We grant that waiver. Then amendments start coming in. Any amendment that would provide over $50 million of costs could have a point of order lie against that. Or the accumulation, an aggregate of the costs to State and local governments of a series of amendments, could go over the threshold. Right now, a point of order could lie against each one of those amendments.

I see a hazard there in that it might make a method for people who wanted to filibuster a bill. You just put in a whole bunch of amendments. There is nothing in the Senate rules that says amendments have to be germane, so we could have an issue being brought up—it might be a farm issue—and we wind up with aid to children, foreign aid, all sorts of things that would be very, very expensive put on because of our lack of a germaneness rule here.

So I can see the danger there that there might be a possibility that people could use that and that point of order applied to it as a means of filibustering. And I do not want to see that.

I read into the RECORD earlier this morning the section of a letter we just received from Bob Reischauer, who is the head of the Congressional Budget Office, complaining about this also or pointing out that this needed to be corrected before we enact this particular bill. So that is one.

I know that Senator LEVIN, who is here on the floor, has several amendments that he brought up the other day in committee, too, and I am sure at the appropriate time he will want to address those.

But all we are asking is that we be given ample time for this and that this steamroller that we had going or attempted to have going on the congressional coverage bill, that we not try that on this one because this bill is very far reaching. I do think it is landmark legislation. I hope that we will have adequate time for anyone on both sides of the aisle to really try to make changes in this so that it is workable, good legislation, not something we have to get through in haste and then correct later on.

Another thing I will point out is this bill is not retroactive. It does not go back and address all previous programs. Where previous programs come up for a reauthorization, a point of order would not lie unless, once again, the $50 million threshold is reached. If there is an increase for costs to State and local governments of more than $50 million in the reauthorization process of some previously ongoing program, then the point of order would lie if there was that kind of increase in cost, but only then.

This would apply also to some of our entitlement programs. There are nine entitlement programs that cost the Federal Government $500 million a year or more annually. And these are included. But if the entitlement is changed by the Federal Government so that the cost to State and local governments once again is more than a $50 million change, only then would a point of order lie.

So entitlement programs that go on and are not up for a periodic reauthorization would be included only if the costs to the State and local governments were increased by more than $50 million. Only then would the point of order apply. Those particular entitlement programs where we spend $500 million a year or more are: Medicaid, food stamps, AFDC, child nutrition, social services block grants, vocational rehabilitation State grants, foster care, adoption assistance and independent living, family support, welfare services, and child support enforcement.

Now, Mr. President, there has been some confusion, as was addressed here on the floor earlier today, concerning the filing of the report. I do not know whether that will still be an issue with certain Members or not. I would hope that we could get on with consideration of this and work out our problems on that. I think this bill is very, very important.

We may have amendments. Senator LEVIN had some concerns about employment laws, concerns about what happens when the CBO cannot make an estimate, and concern about sunset.

Now, the bill is not airtight. Its implications, however, are very complex. They are very, very far reaching. What it basically does, I repeat again, it requires an upfront dollar estimate with a forcing mechanism to make sure that that is considered in the consideration of any legislation here on the floor; that is, the dollar impact on State and local governments. This is a forcing mechanism to make sure that that is considered.

Now, say that it comes out and the Senate Members feel strongly that regardless of the dollar impact, it still should go on. That is provided for. That is what the waiver vote would be. So the Senate does not lose its right to say, ''Here is what is best for all the citizens of the United States of America.'' We do not pull that back. All this bill does, basically, is provide a mechanism, an enforcement mechanism, to say we no longer can slide something through in the middle of the night without a cost estimate and find out later that it costs the States and local governments a bundle out there in their costs of doing business and mandate it from the Federal level.

It says we have to consider that up front, and it is a forcing mechanism to do it with this point of order. But the Senate still—I repeat, the Senate still—could say we think it is that important that regardless of the cost on this—say, the cost is estimated to be $70 million instead of the threshold $50 million—and we say it is important enough that although that is a million and whatever it figures out, a million-plus, for each State, it is important enough for the people of this country that that legislation should go in, and we pass it. This bill would not prevent the Senate from taking that action at all.

Now, I would say to the people in the press that may or may not be covering this, I hope that can be spelled out because there has been a lot of misinformation about how we will stop things in their tracks, we will wreck the normal procedures of government, we will wind up doing all sorts of serious damage. All this thing does, it says we, for the first time, require that there has to be upfront consideration of the best estimate of the cost before we vote on this, and a point of order would lie if that is not carried out. But, even then, there can be a waiver of the point of order, and go ahead if we think it is that important for the future of this country.

So, while I think that on the face of it it is rather innocuous, just the very fact that we, for the first time, are going to require that to be considered before we take legislation up is an enormous step forward and very, very important.

That is the reason I think this is landmark. It puts the Senate, puts the country, puts the House of Representatives on notice that this relationship between the Federal, State, and local governments can no longer be one where we pass things here and say, ''Well, States, OK, you carry it out. We know it will be expensive, but you carry it out. We know you can take care of it.'' That worked for the better part of 200 years in this country. But it no longer will work because what we have done is passed so many bills, as I enumerated before, we have overloaded the circuits and given the States and local communities too big a load from Federal mandates for them to be able to carry out without our help. So it means we must be very careful in what we consider in the future as legislation and its impact on State and local communities, and that we have a forcing mechanism to force that kind of consideration before things are voted out. That is what this does.

So I am proud to work with Senator KEMPTHORNE. I think he was off the floor when I made some comments about him earlier. They were not all bad. He has been a real leader in this. He has stayed on it and traveled all over this country, as I said, and he has met with all the Big Seven groups, as they are called, and talked to them, got their counsel, advice, and been a real champion of this. I am proud to be associated with him on this. I hope we can just get this legislation through. I think it is needed.

One note of caution: Let Members not rush this thing to the point we do not have time to amend it with things that need amending. I add this: The Senate does not have germaneness rules. We know that, and we suffer from that from time to time, as we did on the congressional coverage bill yesterday. People are free to bring up whatever they want.

On this bill, that could well happen on the floor when we open it up for amendments. Whether that does or not, there are certain amendments, as the one that I mentioned just a moment ago and the one that Senator LEVIN has concern about that we brought up in committee that are germane, they do apply, and I hope there is not such a push to get this thing through that we do not have adequate time to have those amendments that are valid, germane, and that will improve this. They will improve this bill and make it workable. They will not hurt.

Mr. President, I rise to announce my support for S. 1—the Kempthorne-Glenn bill on Federal mandate reform and relief. This is legislation that had strong bipartisan and administration support last year, in fact we had 67 cosponsors, and my hope is that we will be able to pass the bill through the House and Senate and get it to the President.

I would note that I do have concerns with some of the provisions of S. 1 and I will be offering some amendments later to try to correct some problems with the bill. I will discuss those amendments in more detail at the appropriate time.

But before I go into a description of the bill, I'd like to provide some background to the whole unfunded Federal mandates debate.

On October 27, 1993, State and local elected officials from all over the Nation came to Washington and declared that day, National Unfunded Mandates Day. These officials conveyed a powerful message to Congress and the Clinton administration on the need for Federal mandate reform and relief. They raised four major objections to unfunded Federal mandates.

First, unfunded Federal mandates impose unreasonable fiscal burdens on their budgets;

Second, they limit State and local government flexibility to address more pressing local problems like crime and education;

Third, Federal mandates too often come in a one-size-fits-all box that stifles the development of more innovative local efforts, efforts that ultimately may be more effective in solving the problem the Federal mandate is meant to address; and

Fourth, they allow Congress to get credit for passing some worthy mandate or program, while leaving State and local governments with the difficult tasks of cutting services or raising taxes in order to pay for it.

In hearings held by the Committee on Governmental Affairs in both this and the last Congress, we heard testimony from elected State and local officials from both parties, representing all sizes of government. It was clear from the testimony that unfunded mandates hit small counties and townships as hard as they do big cities and larger States.

I think it's worth stepping back and taking a look at the evolution of the Federal-State-local relationship over the last decade and a half so we can put this debate into some historical context. I believe the seeds from which sprang the mandate reform movement can be traced back to the so-called policy of new federalism, a policy which resulted in a gradual but steady shift in governing responsibilities from the Federal Government to State and local governments over the last 10 to 15 years. During that time period, Federal aid to State and local governments was severely cut, or even eliminated, in a number of key domestic program areas. At the same time, enactment and subsequent implementation of various Federal statutes passed on new costs to State and local governments. In simple terms, State and local governments ended up receiving less of the Federal carrot and more of the Federal stick.

A. THE COST OF FEDERAL MANDATES

Let's examine the cost issue first. While there has been substantial debate on the actual costs of Federal mandates, suffice it to say that almost all participants in the debate agree

that there isn't complete data on the aggregate costs of Federal mandates to State and local governments. In fact, one of the major objectives of S. 1 is to develop better information and data on the cost of mandates. Likewise, there is even less information available on estimates of what potential benefits might be derived from select Federal mandates, a point made by representatives from the disability, environmental, and labor community in the committee's second hearing in the last Congress. Nonetheless, there have been efforts made in the past to measure the cost impacts of Federal mandates on State and local governments.

And those efforts do show that costs appear to be rising. Since 1981, the Congressional Budget Office [CBO] has been preparing cost estimates on major legislation reported by committee with an expected annual cost to State and local governments in excess of $200 million. According to CBO, 89 bills with an estimated annual cost in excess of $200 million each were reported out of committee between 1983 and 1988. I would point out one major caveat with CBO's analysis; it does not indicate whether these bills funded the costs or not, nor how many of the bills were eventually enacted. Still, even with a rough calculation, CBO's analysis shows that committees reported out bills with an average estimated new cost of at least $17.8 billion per year to State and local governments. In total, 382 bills were reported from committees over the 6-year period with some new costs to State and local governments. So if anything, the $17.8 billion figure is a conservative estimate for reported bills.

Federal environmental mandates head the list of areas that State and local officials claim to be the most burdensome. A closer look at two of the studies done on the cost to State and local governments of compliance with environmental statutes does indicate that these costs appear to be rising. A 1990 EPA study, ''Environmental Investments: The Cost of a Clean Environment,'' estimates that total annual costs of environmental mandates, from all levels of government, to State and local governments will rise from $22.2 billion in 1987 to $37.1 billion by the year 2000, an increase in real terms of 67 percent. EPA estimates that the cost of environmental mandates to State governments will rise from $3 billion in 1987 to $4.5 billion by 2000, a 48-percent increase. Over the same timeframe, the annual costs of environmental mandates to local governments is estimated to increase from $19.2 to $32.6 billion, a 70-percent gain. According to the Vice President's National Performance Review, the total annual cost of environmental mandates to State and local governments, when adjusted for inflation, will reach close to $44 billion by the end of this century.

The city of Columbus in my home State of Ohio also noted a trend in rising costs for city compliance with Federal environmental mandates. In its study, the city concluded that its cost of compliance environmental statutes would rise from $62.1 million in 1991 to $107.4 million in 1995—in 1991 constant dollars—a 73-percent increase. The city estimates that its share of the total city budget going to pay for these mandates will increase from 10.6 to 18.3 percent over that timeframe.

In addition to environmental requirements, State and local officials in our committee hearing cited other Federal requirements as burdensome and costly. They highlighted compliance with the Americans With Disabilities Act and the Motor-Voter Registration Act; complying with the administrative requirements that go with implementing many Federal programs, and meeting Federal criminal justice and educational program requirements. Now I would note that while each of these individual programs or requirements clearly carry with them costs to State and local governments, costs which we have too often ignored in the past, I believe that on a case-by-case basis each of these mandates has substantial benefits to our society and our Nation as a whole, otherwise I, along with many of my colleagues in the Senate, wouldn't have voted to enact them. State and local officials readily concede that individual mandates on a case-by-case basis may indeed be worthy. However, when you look at all mandates spanning across the entire gamut of Federal laws and regulation, you begin to understand that it is the aggregate impact of all Federal mandates that has spurred the calls for mandate reform and relief. The Advisory Commission on Intergovernmental Relations testified in our April hearing that the number of major Federal statutes with explicit mandates on State and local governments went from zero during the period of 1941 to 1964, to 9 during the rest of the 1960's, to 25 in the 1970's, and 27 in the 1980's.

However, to truly reach a better understanding of the Federal mandates debate, we must also look at the Federal funding picture vis a vis State and local governments.

B. FEDERAL AID TO STATE AND LOCAL GOVERNMENTS

The record shows that Federal discretionary aid to State and local governments to both implement Federal policies and directives as well as comply with them saw a sharp drop in the 1980's.

An examination of Census Bureau data on sources of State and local government revenue shows a decreasing Federal role in the funding of State and local governments. In 1979, the Federal Government's contribution to State and local government revenues reached 18.6 percent. By 1989, the Federal contribution of the State and local revenue pie had steadily shrunk to 13.2 percent before edging up to 14.3 percent in 1991, the latest year that data is available.

What contributed to the declining trend in the Federal financing of State and local governments? A closer look at patterns in Federal discretionary aid programs to State and local governments during the 1980's provides the answer. According to the Federal Funds Information Service, between 1981 and 1990 Federal discretionary program funding to State and local governments rose slightly from $47.5 billion to $51.6 billion. However, this figure when adjusted for inflation tells a much different story; Federal aid dropped 28 percent in real terms over the decade.

A number of vital Federal aid programs to State and local governments experienced sharp cuts and, in some cases, outright elimination during the decade. In 1986, the administration and Congress agreed to terminate the general revenue sharing program, a program that provided approximately $4.5 billion annually to local governments and allowed them broad discretion on how to spend the funds. Since its inception in 1972, general revenue sharing had provided approximately $83 billion to State and local governments. Unfortunately, the Reagan administration succeeded in terminating the program and the Congress followed its lead. There were other important Federal-State-local programs that were substantially cut back between 1981 and 1990. They include: economic development assistance, community development block grants, mass transit, refugee assistance, and low-income home energy assistance.

Luckily, under both the Bush and Clinton administration, we've managed to restore some needed funding to many of these programs. Still, in real dollars, funds for discretionary aid programs to State and local governments remain 18 percent below their 1981 levels.

THE COMMITTEE'S LEGISLATIVE EFFORTS

In the last Congress, eight bills were referred to the Governmental Affairs Committee that touched on at least some aspect of the unfunded Federal mandates problem. After two hearings, we marked up a compromise bill that borrowed the best of the various provisions and requirements from the different bills. We worked closely in a deliberative, bipartisan fashion with the de facto leader on this issue, Senator KEMPTHORNE, along with other Members and with the administration. The Kempthorne-Glenn compromise had the endorsement and strong support of the 7 groups representing State and local governments: the National Governors Association; the National Conference of State Legislators; the Council on State Governments; the National League of Cities; the U.S. Conference of Mayors; the National Association of Counties, and the International City Management Association. It had the backing of the Clinton administration and was endorsed by the editorial boards of the New York Times, Cleveland Plain Dealer, and other newspapers across the country, both large and small. The bill we are debating

today as S. 1 largely embodies what we had last year in S. 993.

Let me explain what the Kempthorne-Glenn bill does: it requires the Congressional Budget Office to conduct State, local, and tribal cost estimates on legislation that imposes new Federal mandates in excess of $50 million annually onto the budgets of State, local, and tribal governments. The current law requires these estimates at a $200 million threshold. I believe that that high a figure allows a lot of Federal mandates to slip through without being scored. $200 million spread across equally among all States may not be much, but if it falls particularly hard on any one region—which does happen with legislation around here—it is substantial. Let me make clear, however, that what CBO will score here are new Federal mandates, not what State, local, and tribal governments are spending to comply with existing mandates, nor what they are spending to comply with their own laws and mandates.

Second, and I think most importantly, is that the bill holds Congress accountable for imposing additional unfunded Federal mandates. We do this by requiring a majority point of order vote on any legislation that imposes new unfunded Federal mandates in excess of $50 million annual cost to State, local, or tribal governments.

To avoid the point of order, the sponsor of the bill would have to authorize funding to cover the cost to State and local governments of the Federal mandate, or otherwise find ways to pay for the mandate. This could come from the expansion of an existing grant or subsidized loan program, or the creation of a new one, or perhaps the raising of new revenues or user fees. The authorizing committee must also build into the legislation contingency provisions to go into effect if funds for the mandate are not appropriated. The committee would have to put provisions into the bill that would direct and set criteria for the responsible Federal agency to either declare the mandate to be ineffective, or direct and set criteria for the agency to scale back the mandate, to the extent that funds have not been appropriated.

S. 1 also includes provisions for the analysis of legislation that imposes mandates on the private sector. CBO would have to complete a private sector cost estimate on bills reported by committee with a $200 million or more annual cost threshold. Agencies would also need to consider the private sector impacts of their regulations.

We do exempt certain Federal laws from this bill. Civil rights and constitutional rights are excluded. National security, emergency legislation, and ratification of international treaties are also exempt.

I want to also point out that the bill does not prohibit Congress from passing unfunded Federal mandates. There may be times when it is appropriate to ask State and local governments to pick up the tab for Federal mandates. But let that debate take place on the Senate floor and let the majority work its will on the specific mandate in the legislation.

The Kempthorne-Glenn compromise also addresses regulatory mandates. We all know how the Federal bureaucracy can impose burdensome and inflexible regulations on State and local governments as well as on others who end up trapped in the bureaucracy's regulatory net. In the committee's November hearing, we heard testimony from Susan Ritter, county auditor for Renville County, ND. Ms. Ritter noted that the town of Sherwood, in her State, with a population of 286, will have to spend $2,000—one half of its annual budget—on testing its water supply in order to comply with EPA regulations. Clearly, there is no way that the town is going to be able to meet this requirement.

So, consistent the President's Executive orders, we have required that Federal agencies conduct cost-benefit analyses on major regulations that impact State, local, and tribal governments. Further, agencies must develop a timely and effective means of allowing State and local input into the regulatory process. Given that State and local governments are responsible for implementing many of our Federal laws, it is not only fair that they be considered partners in the Federal regulatory process, but it is also good public policy as well. The bill also requires Federal agencies to make a special effort in performing outreach to the smallest governments. Then maybe we'll be able to minimize the occurrence of situations like the one that took place in the town of Sherwood.

CLOSING REMARKS

In closing, I'd like to put this issue into some larger perspective. As we all know, the Federal, State, and local relationship is complicated. It is a blurry line between where one level of government's responsibility ends and another's begins. All three levels of government need to work together in a constructive fashion to provide the best possible delivery of services to the American people in the most cost-effective fashion. After all, as Federal, State, and local officials, we all serve the same constituents. Further, we serve the American people at a time when their confidence in all three levels of government is probably at an all-time low. There are numerous explanations for this lack of confidence in government and I won't go into them here. Vice President GORE's National Performance Review attributes ''an increasingly hidebound and paralyzed intergovernmental process'' as at least part of the reason for why many Americans feel that government is wasteful, inefficient, and ineffective. We need to restore balance to the intergovernmental partnership as well as strengthen it so that government at all levels can operate in a more cost-effective manner.

Both the administration and a number of my colleagues have made proposals to shift a number of Federal programs and responsibilities to State and local governments. Clearly, as this mandates debate has shown us, we ought to at least experiment to see if State and local governments can carry out some these programs in a more effective fashion than we have been doing at a Federal level. I know from my years as chairman of the Governmental Affairs Committee that Americans do want more efficient and less costly government and maybe one way to help accomplish that objective is to grant more flexibility to State and local governments and let them run some of these programs. However, I think we should proceed with some degree of caution. Growing up in the Depression, I learned that State and local governments don't have the wherewithal and resources to meet all human needs. That's why President Roosevelt came through with the New Deal. So there has been and will continue to be, the need for Federal involvement and decisionmaking in many domestic policy areas. But that shouldn't preclude us from maybe loosening the reins on State and local governments in some areas, or even dropping them entirely. But we should be careful, and look at it on a case-by-case basis.

I believe that the Kempthorne-Glenn bill would help to restore that partnership and bring needed perspective to future Federal decisionmaking. I am glad that it will be the first bill introduced in the Senate and look forward to working toward its very early passage.

I want to give special thanks to my colleague from Idaho for his role in developing this legislation. He has been very diligent and, as a former mayor, very passionate about this issue. But he has also been willing to engage in the give and take that goes on in developing legislation where there are a lot of pressures from all sides to go one way or the other. This has truly been a bipartisan effort and he deserves special credit for that.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I appreciate greatly what the Senator from Ohio has just stated. He has accurately laid out the thrust and, I think, the beauty of this bill, and he has done it in his normal, straightforward fashion that everybody can understand and grasp.

He mentioned in his comments about last year and who may have tied up the legislation and where the finger should be pointed. He is right. That does not matter now. This is the 104th Congress. The bill that is before the Senate, Senate bill 1 is bipartisan. Sixty-three Senators already are sponsors of this bill, and more are being added all the time. It is bipartisan, as it should be.

I can tell the distinguished Senator from Ohio that I assure him all Senators will have ample time to discuss the amendments that are brought out

here, to make any comments they wish about this bill. We will make sure that everyone feels that they have had their opportunity to speak about this bill in any areas that they may wish to find some improvements.

I agree with him, I hope that we keep the bill clean so we do not have amendments that are nongermane, not part of this bill. Too, I believe there will be some amendments that we can fashion together in managers' packages that we could then place before this body for unanimous consent.

He made this point, and I want to stress it: This Senate bill 1 is a process. In no way do we ever abdicate our decisionmaking responsibilities. We enhance it through Senate bill 1 because we will have the information upfront before we cast our votes. Is it not interesting when you think about it, Mr. President. What organization or entity, either in the public sector or the private sector, can make decisions that may have multimillion dollar or multibillion dollar impact and not know that cost upfront before they make that decision? I cannot think of any, because they would not be successful very long if they did.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I wonder if the chairman or the ranking member will be willing to answer some questions at this point. I would like to ask a few questions, trying to understand the legislation, since I am not on the committee.

The PRESIDING OFFICER. Will the Senator from Idaho respond?

Mr. KEMPTHORNE. I will be happy to respond.

Mr. BINGAMAN. Mr. President, I guess I have heard the explanation, and I certainly agree with the basic thrust of the legislation, and that is to try to ensure the Congress knows what it is doing before it acts, gets the necessary information and looks at the cost that it is imposing on State and local governments.

As I read it, though, the bill seems to do more than that. The bill—and here I am referring to page 21 where it says:

> It shall not be in order for the Senate to consider any bill or joint resolution that is reported by a committee unless——

A statement has been provided. I understand that is getting the information. I certainly support that and believe that is entirely appropriate.

But then it says:

> It shall not be in order for the Senate to consider * * * any bill, joint resolution, amendment, motion, or conference report that would increase the direct costs of Federal intergovernmental mandates by an amount that——

Exceeds the threshold.

As I read that, I understand that you can always come to the floor and say, ''In spite of this, we want to waive that provision of law and we want to go ahead.'' But I am just wondering if this is somewhat unprecedented—obviously, it is unprecedented—but is it an appropriate thing for us to be putting in statute a statement that it is out of order for us to consider any legislation for which the Federal Government is not willing to pay 100 percent of the cost on Government.

That is what we are saying here, that it is out of order for us in the Senate to consider any bill unless we, the Federal Government, are willing to pay the entire cost to any level of government.

Really what we are trying to say is we need to stop and we need to think and we need to get estimates before we do that, but it is appropriate for us to do it in some cases. Is there not a more artful way we can do this and really say we need the information before we proceed and we need to think seriously and carefully about what we are doing before we proceed, instead of just saying it is not in order for us to ever proceed unless we are going to pay 100 percent of the cost?

Mr. KEMPTHORNE. Mr. President, in response to my friend from New Mexico, if I may proceed.

The PRESIDING OFFICER. The Senator from Idaho may proceed.

Mr. KEMPTHORNE. The Senator is asking if there is a more artful way of doing it. I really believe mandates are so important, whether or not this is artful, it is meaningful. You have asked if there is not some way that we can just seek the information. There has been discussion before that maybe we could just have information that would note that, but I really believe that we should stop that mandate, we should stop further consideration. But we do provide for that 60-vote point of order, a waiver. Excuse me, it will be a majority, a simple majority, that could waive that point of order.

If you get a majority of Senators that say, ''We agree with the Senator from New Mexico, we should not delay proceeding forward with this bill any further, we now have this information from the committee, from the Congressional Budget Office, and so we now vote affirmatively to waive the point of order, then we can proceed.''

But, again, we are going to know that information up front. I do not see that as burdensome, and it certainly is not as burdensome as has been the placement of these mandates on our cities and States, and the taxpayers ultimately pay for these.

Mr. BINGAMAN. I certainly understand, as I say, the importance of getting the information. I support that. I support having the careful consideration of what we are doing. Let me give you an example that has come to my attention.

We passed a bill a few years ago on air transportation security where we basically said anybody who runs an airport in this country shall make provision to essentially put in metal detectors because we have determined that there is a public safety compelling national interest here that requires us to have metal detectors at all of our airports.

That is a mandate. That is saying to the city of Albuquerque, which runs our airport in Albuquerque, that is saying you have to put in metal detectors. Clearly, that costs them some money. The Federal Government did not pick up the tab.

But I guess what I am saying is, should it be as an initial matter inappropriate for us to consider legislation unless we, the Federal Government, are willing to pay 100 percent of the cost in all cases?

Mr. KEMPTHORNE. Mr. President, I will answer that I strongly believe that we should follow this prescribed course. In that case, where you say there was a cost to the city of Albuquerque, there was a cost to the cities across the country that had to put in these metal detectors. Did it exceed $50 million? I do not know. If it did not, then no point of order would lie against the bill.

But, I say to my friend from New Mexico, nobody knows what the cost of those metal detectors was, and we certainly did not know before we voted for it.

Mr. BINGAMAN. I do not argue with that part of the bill. I have said so several times in the last 10 minutes——

Mr. GLENN. Will the Senator yield?

Mr. BINGAMAN. That the Senate should be required——

Mr. GLENN. Let us follow this through. I think it is a good example.

With the Federal mandate saying you will do it, Albuquerque then probably had less police out on the streets, they were not able to put in the new sewer. They had to make choices because we put a mandate on them.

If we, in our wisdom, say this is important enough for air safety, it is important they do it, period, regardless of any money, all you have to do is have a point of order that would lie against the bill if it is over the $50 million threshold, which it would be in this case—many times $50 million for the whole country—and we would say that is important enough that you just are going to have to pick that up running your airport, pick it up in an airport tax or however you do it locally; it is up to you people to do it in the State and local governments.

If we say, ''No, well, wait a minute, this is going to be expensive and it is going to hit and it means Albuquerque has to take some police off the streets''—and if you have patrol cars, you are going to have a lot of problems—then maybe by the fact that we are forced to consider it up front and not ignore it, as we probably did in that case, if we are forced to take this up, it means that we have to consciously consider this when we are considering putting it in.

We may want to see, in our wisdom, that it is fair we take half the expense. We can moderate it like that. I am sure the distinguished Senator from New Mexico would agree that too often in

the past, we have passed things like this and just said, ''States, do it; that's that, take care of that, go ahead and do it.'' It has gotten to be such a burden on the States and local communities, they no longer can just absorb what we throw at them.

All this says is we can still throw it at them, we still can say you have a requirement, you have to meet it, it is Federal law and do it. But we have to do it after knowing the costs and having voted affirmatively to force them to do that, and we have to go on record saying that is what you have to do.

Mr. BINGAMAN. Mr. President, let me just respond and be sure the Senator understands my point. We are also saying in the bill that it is out of order to consider any bill where the Federal Government does not pay 100 percent of the cost; any bill that imposes an obligation on State and local government, where the Federal Government does not pay 100 percent of the cost, that is out of order.

Now, you are right, we can come to the floor and we can vote to waive the point of order. But we are putting in law a statement that it is out of order for us to consider any piece of legislation unless we, the Federal Government, are paying 100 percent of the cost.

Mr. GLENN. That is correct, up to a point, unless we authorize—this applies to authorizing legislation only now. If the appropriators then come along and say, ''Well, we have a lot of other considerations. We had to up the Army, Navy, Marine Corps''—whatever—''we can't afford this, we can do half of this,'' we try to work that out with the States.

In the authorizing legislation, you will have to provide for the Federal mandate or a point of order would lie. Then the waiver vote would determine whether, in spite of that, if you are not providing the money for it and you want to take it up anyway, then you have that option and the Senate does not lose its ability to do that.

Mr. BINGAMAN. Mr. President, let me say I think I understand that, and if I was on the Appropriations Committee, I probably would think this was a great piece of legislation, because it would mean everybody would go to the Appropriations Committee, to an even greater extent than they do now, when they want to see something legislated.

This goes to the authorizing committees, and this says if you were to put together a piece of legislation that said everyone who has an airport in the country will put in metal detectors and the Federal Government will pay 90 percent and States will pay 10 percent, or localities will pay 10 percent, whoever owns the airport will pay 10 percent, that legislation is out of order.

You are right, under this procedure, you can come to the floor and you can waive the point of order, but the way you have to draft it here, it is out of order for us to consider that legislation.

Let us suppose the Commerce Committee, which I assume would have jurisdiction, wanted to bring a bill to the floor which had a sharing of cost between the Federal Government, State government and local government that involved air traffic safety. That would be out of order. Now, you say OK, well, you can waive the point of order. I am just getting to the point of should we be writing into law a statement that it is out of order for Congress to consider legislation unless we at the Federal level are proposing to pay 100 percent of the cost.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Idaho.

Mr. KEMPTHORNE. Yes. That is a major portion of this bill. That is what this is about. It says that we ought to pay that. And if not, we ought to have the appropriate rationale so that a majority vote, a simple majority would say no, we are going to waive that.

A couple of points. The Senator said that this is placed on the authorizers. After a great deal of discussion, we felt that was most appropriate because the mandates come from the authorizing committees. They do not come from the appropriations committees. This puts that responsibility on the authorizers. It will probably cause them to have to work more closely with the appropriators, which I think is a plus.

You say other than ruling it out of order, could not we just have the information made available to us to help us in our decisionmaking. But that, to me, is a damage report. We want to stop the damage. And we talk about the responsibilities. Again, we would have that information. Yes, we should pay for it. But if we do not, again, you can come and seek that waiver. The point of order, though, is not self-initiated. It must be placed by a Senator.

Mr. BINGAMAN. I understand that. But I am just saying that if a reporting committee, if the Commerce Committee determined that there was a compelling national interest for us to have metal detectors at our airports around the country and that the appropriate sharing of cost was 90 percent by the Federal Government, 10 percent by the person who owns the airport—and clearly we should require them to get the report as to what this is going to cost, what it is going to cost States and localities, what it is going to cost everybody up and down the line. But once they get that information, if they still believe there is a compelling national interest, should they have to, when they bring that bill to the floor, face the statutory provision you are putting here which says it is out of order to consider this bill?

Mr. KEMPTHORNE. Mr. President, to the Senator I would say that a committee could determine that they wanted to do a 90–10 split on the cost. Now, because they do not provide 100 percent of the funding, yes, a point of order could be made against that authorizing bill. But they could come to the floor and say this legislation clearly spells out that we are going to provide 90 percent of the funds; 10 percent will be matched by the local communities. And you could then hold up a series of letters from mayors around the country saying we think this is good; we support this legislation. And I think you would have an excellent chance of getting a waiver of the majority of Senators to say we agree on this particular one. Go forward.

Mr. BINGAMAN. I guess, Mr. President, the point I am trying to make is that I think that is an appropriate and necessary and essential part of the discussion that ought to take place when that bill comes out on the Senate floor. I just do not know that I like the idea of putting in law a statement that it is out of order for us to consider the bill. I think it might be appropriate to say, if they get the studies done, if they determine and they say in their report that there is a compelling national interest that requires this to happen, then the Senate can agree or disagree and the Senate can say we do not believe it. We think this has to be amended; the Federal Government should pay 100 percent, not just 90 percent.

That is what ought to happen in the debate on the bill. It should not be procedurally inappropriate or wrong for the Congress to consider legislation that imposes some share of the cost on State and local government in some instances where there is a compelling national interest, it seems to me.

Mr. KEMPTHORNE. Mr. President, I respect the Senator's view on this. Now, we will probably disagree, but I respect what the Senator is saying. Congress has a bad habit of not picking up the tab on orders that it places, and so this I think is going to help us with this fundamental realignment of the partnership. I do not think this is an overly burdensome requirement. I truly do not. And I think 63 Senators are saying, yes, we think this the way we should be going on this.

Mr. BINGAMAN. Mr. President, could I ask the Senator one other example that has occurred to me. There is a bill that Senator INOUYE and Senator MCCAIN had been considering in the last Congress—I believe they introduced it. They certainly had various hearings on it—to put in place a more extensive regulatory mechanism for controlling gaming on Indian land.

This legislation, of course, would make that out of order. Any bill that imposed an additional cost on the tribal government would be out of order under your legislation, as I understand your legislation, because you would be saying, if you want to engage in gaming on Indian land, you have to do certain things to ensure that organized crime does not get involved, that people who gamble at your facilities are treated fairly, et cetera, et cetera.

Now, am I confused on this? As I understand the bill pending before the Senate today, it would say that bill is

out of order. If that bill comes to the Senate floor, a point of order can be raised that that bill is out of order because it requires tribal governments that want to participate in gaming to incur costs.

Mr. KEMPTHORNE. Mr. President, in response to that, I cannot stand here and tell the Senator that there is an easy, quick answer to that. We would have to go through the example. We would have to determine is this a requirement that is now being put on the tribes? Is there a cost to that? Does the authorizing committee determine that there is a mandate in that new requirement? What is the cost of that mandate? Does it in fact exceed $50 million or is there any cost at all to the tribes to carry this out?

There are many, many hypothetical situations. But I come back to the point that this is a process, a process that states that as we now proceed—and we will encounter some of these issues—we now know how we would proceed. We know the process. We would know that we can seek a waiver of a point of order. We know that after doing this for a few sessions we will begin to establish some precedents on what does and does not come under this department of the mandates.

So, again, I believe that the process is in place and there is not going to be a quick and easy answer on all hypotheticals. But at least we know how we would get to the ultimate conclusion.

Mr. GLENN. Mr. President, it is a good example because it is a very complex one. It gets into a lot of ramifications of tribal law, our overriding Indian affairs legislation, and so on. So it is a very good example. But in that case, if the cost to the tribal areas was estimated to be more than $50 million, then a point of order could be brought and all the point of order would say is it is more than $50 million so we should consider this legislation here in the Chamber. It will not be eliminated from consideration. And then the Senate would work its will and the Senate would either decide it is good for Indian lands or it is not. This legislation, once you reach that point, would not have anything to do with it. It would be strictly on the merits of Indian gaming and what you want to do in other areas.

While I have the floor, too, another thing I wanted to make absolutely sure, the Senator from New Mexico referred several times to the point of order. I almost got the impression that he thought the point of order, anything over a $50 million cost to State and local governments would automatically have a point of order regardless of whether somebody brought it up or not.

Some Senator would have to come to the floor and bring up and invoke that point of order and then it would require then a waiver vote. And if any Senator, I would say to my friend, thinks it is that important that he wants to challenge this, then we better take it up. We would be doing it with the best estimates that we possibly can have. It is a forcing mechanism to force the Senate to consider the costs up front, which we have not done before, and make a forcing mechanism to do that, still with a protection, as a way of saying, yes, this bill comes on the floor with a majority vote no matter what the cost so we can consider it.

Mr. President, I will not belabor the issue. I do appreciate the answers to the question. I guess my concern, very simply, is that it is more than an enforcement mechanism. It puts into statute a presumption that any proposed law that comes to the Senate floor that requires a State or a locality or an Indian tribal government to incur some cost—that any of those bills are out of order, that they are in some way wrong, and that that presumption has to be overcome in order for us to proceed to consider the bill.

I do not know that all those bills are inappropriate. I do not think the taxpayers, if we get around to passing legislation governing gaming on Indian land—I do not think it is necessarily appropriate that the taxpayers fund 100 percent of the costs of ensuring that gaming is done appropriately. It is possible that the Indian tribal government should pick up some portion of that cost.

So I do not know that the idea of passing a bill that says it is out of order to consider any legislation that the Federal Government does not pay 100 percent of is necessarily the right way to go. I think we will have a chance to explore this more this afternoon and this evening and tomorrow. Maybe next week. But I did want to at least make that point.

I have some other questions on other parts of the bill which I will be glad to raise later.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate these well thought out ideas. It is very apparent that the Senator from New Mexico has been going through this bill and just truly understanding the impact and the ramifications of this. So, again, I appreciate that. We hope to see that sort of discussion continued.

I see the good Senator from Minnesota is here and look forward to his comments.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise today to voice my strong support for Senate bill 1, the Unfunded Mandate Reform Act of 1995, and to commend my colleague from Idaho for bringing this legislation to the floor. I am honored to cosponsor S. 1 in the 104th Congress, and I am honored to make my first statement as a U.S. Senator on behalf of this critically important legislation.

To illustrate the severe problems caused by unfunded Federal mandates, I would like you to imagine you have a distant cousin. He used to be pretty well off; he made a decent living for himself. But your cousin liked to spend money—a lot—and after years of living high on the hog, his extravagant lifestyle finally caught up with him.

So he turned to his credit cards. ''Play now, pay later'' became his motto. And so it did not take too long before your cousin was up to his eyeballs in credit, and soon his plastic cards were not good anywhere.

That is when he decided to buy a new car. He bought top of the line, with every bell and whistle the dealer had to offer.

Of course, his credit was no good and a new car was hardly in the budget. But that did not stop him—he bought the car anyway, signed your name to the purchase agreement, mailed the bill directly to you, and worst of all, said it was for your own good.

What would you do? You would be furious, of course. You have bills of your own. Maybe you cannot afford to send your kid to college this year, much less buy your distant cousin a new car.

But what if it turns out that your cousin had every legal right to do what he had done? What if you refused to pay, and found yourself showered with fines and threatened with criminal prosecution? What would you do then?

That is the dilemma faced every day by America's Governors, mayors, county commissioners, school administrators, and business leaders. For them, tie irresponsible cousin is the Federal Government. And the IOU's being signed in their names are piles and piles of unfunded Federal mandates.

Each year, the Federal Government takes in billions and billions of dollars. Each year, it spends every dime and borrows hundreds of billions more. And when the Government has exhausted its revenues but not its appetite for spending, it passes expensive new laws, and mandates that somebody else carry out its priorities.

The 10th amendment to the Constitution is supposed to protect the States from such Federal meddling, but unfunded Federal mandates have become the modern-day equivalent of taxation without representation, turning federalism on its ear and the entire concept of States' rights into a farce.

Over the past two decades, nearly 200 unfunded mandates have been enacted by this institution, most of them during the 1970's and 1980's, when Congress was running out of money, but certainly not the desire to impose new regulations.

And the costs for Main Street America are tremendous. A recent survey found that the 10 most burdensome unfunded mandates cost cities an estimated $6.5 billion in 1993. The U.S. Conference of Mayors estimates that, over the next 5 years, the price tag for these mandates will balloon to nearly $54 billion.

In my home State of Minnesota, Gov. Arne Carlson has prepared this list: 27 pages of unfunded Federal mandates that cost Minnesota taxpayers tens of millions of dollars each and every year, and intrude into nearly every walk of life—from our schools to our prisons, from our highways to our workplaces.

Many of these unfunded Federal mandates are simply bad policy. Rarely do they take individual needs and situations into account, rarely do they contain any sort of cost-benefit analysis, and none of them are paid for.

I want to share this example from Minnesota. With the passage of the 1991 Intermodal Surface Transportation and Efficiency Act, States are required to pave their highways with an asphalt mix containing 20 percent rubber from waste tires. It is a mandate which will cost Minnesota $10 million in 1997.

Yet Minnesota does not have a problem with surplus waste tires—in my State, they are sold for fuel to paper mills and powerplants.

The Minnesota Department of Transportation estimates that incorporating waste rubber into the asphalt mix at least doubles its cost, and the additional expenditure in 1997 will result in 100 fewer miles of road resurfacing per year.

To compound the problem, our transportation officials are concerned that using waste rubber will shorten the life of the pavement, adversely affect its performance, and prevent the pavement from being recycled once its service life has expired.

Finally, the Federal Government does not recognize that, in Minnesota, there may be more cost-effective and beneficial uses of shredded tires, such as using them as a lightweight fill material on road construction projects. All of this to fix a problem that never existed in the first place.

Of source, no one wants to simply repeal the ISTEA law. But my example clearly demonstrates the problem with mandates: Good legislation, coupled with a one-size-fits-all mandate, is bad policy. And every State has similar horror stories.

Often, mandates are utterly unnecessary. They duplicate regulations and requirements that are already at work on the State and local level. And too often, mandates from the Federal Government are entirely arbitrary.

While the goals are very often admirable and universal—for example, we all agree on the need for clean air and clean water—the truth is that a solution to a problem in Minnesota may not be the answer in Montana or New Jersey.

Yet when the Federal Government enacts a mandate, it does not consult with the folks back home who will have to implement it.

Too often, there is no flexibility for regional and local conditions when the standards are set nationally.

Most tragically, unfunded Federal mandates divert critical resources away from local needs. Instead of putting Minnesota dollars to work for Minnesota priorities, unfunded Federal mandates put our scarce tax dollars to work on Washington priorities.

That is not good for Minnesota. That is not good for America.

When the Federal Government comes calling with yet another unfunded mandate, State and local governments are left with no choice but to either reduce services or raise taxes.

And old mandates never die, nor do they fade away. In all its years of passing bills and passing along the costs, Congress has never—ever—rescinded a mandate to make room for a new one. They simply continue to pile up.

But the people back home who keep getting stuck with the bills have had enough. Last year, organizations representing America's State governments, cities, mayors, Governors, counties, State legislatures, and school boards passed resolutions calling on Congress to enact no-money, no-mandate legislation.

Mr. President, Senate bill 1, the Unfunded Mandate Reform Act of 1995, does exactly that.

S. 1 tackles the problem of unfunded Federal mandates by—first and foremost—forcing Congress to know the costs of any mandates being proposed, through estimates by the Congressional Budget Office. Once Congress knows how much its legislation will cost, it will have to find the money or the taxes to pay for it.

This will be radical change for a Congress that spends other people's money with such reckless abandon, but if every American who has ever had to balance a checkbook can do it—if States like Minnesota can do it—then Congress can do it, too.

Legislation that does not meet these tests is ruled out of order, and there will be no further action unless a majority of the Senate votes to continue debate.

This is such a commonsense idea that it should hardly take an act of Congress to ensure that it happens. But an irresponsible cousin—equipped with somebody else's credit card—can cause a lot of damage without some firm guidance.

Passage of the Unfunded Mandate Reform Act will start Congress down the road of fiscal responsibility, out of an era of stifling overregulation, and back toward the Federal-State relationship envisioned in the Constitution. It is the right bill, at the right time, and I urge my colleagues to give this measure their full stock.

I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to thank the Senator from Minnesota for his support of Senate bill 1, and also congratulate him on his first major speech here on the floor of the Senate. It is very clear that Minnesota, in this Senator, has a strong, effective voice for good government. We appreciate that so much.

I know too that the chairman of the Environment and Public Works Committee is here and would like to make some comments on this. He is someone for whom I have a great deal of respect. So I look forward to his comments.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Thank you very much.

Mr. President, first I want to congratulate the distinguished junior Senator from Idaho for the work he has done in connection with this unfunded mandates legislation. He took an idea that others have thought about and have shown concerns about, and he developed it into this piece of legislation. He is extremely knowledgeable about it. He has been able to explain it to most people's satisfaction. It is complex, there is no question about it. So I think Senator KEMPTHORNE deserves a lot of credit for what he has done.

Truly, this is a problem that exists out there, as the distinguished Senator from Minnesota has just remarked. There are these problems out there in the States. I might say in passing that the States sometimes do unfunded mandates on the towns and cities below them. I must say that it is a little ironic that the Governors are all in here telling us to pass this unfunded mandates. I was thinking now maybe we ought to add an amendment to this that no Governor would be entitled to the benefits of this legislation if he had any unfunded mandates on his cities and towns. But I think that would probably get everything a little too complex. So I will forego that.

So, Mr. President, I just want to say that I will support this legislation and vote for it. I see there are some difficulties. I think the sponsors of the legislation themselves would recognize that one of the problems we are going to have is getting the estimates from the Congressional Budget Office in due time. As we all know, this is a free-flowing place. Up we pop with amendments. It is no secret that we say in the language as we send it forward: ''I send to the desk an unprinted amendment and ask for its immediate consideration.'' That means that it is an amendment that somebody has written on a piece of paper, as we can do. It does not have to be printed. It does not have to be circulated. But in the battle that goes on back and forth on legislation, we have amendments.

I do not know just how we are going to work these Congressional Budget Office estimates. I suppose that if in doubt, one would ask for a waiver. That may be one of the ways to proceed. But let me also say that my support is for the bill as it is now, as the Senator from Idaho has presented it. If there are amendments that are adopted to the effect, for example, as one suggested amendment is, that the point of

order has to have 60 votes to be approved, that would lose me, Mr. President, on this legislation because I just do not think we can conduct business like that.

I know the Senator from Idaho is himself, as I understand it, dedicated to keeping this a clean bill, as one would say. I hope he is successful. Certainly, I would help him do that in resisting the amendments and trying to bring the bill forward at its conclusion as close as possible as it exists now.

But I wanted to make it clear that while I support the legislation, I want to say that should there be these amendments, these changes to it of some substantial nature, I would not support it under those conditions.

I thank the Chair.

I see no one else prepared to speak. In that event, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. COHEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, I am very pleased to be a cosponsor of the bill that is now pending before the Senate. I wish to offer my congratulations to Senator KEMPTHORNE, and others, who have taken the leadership on this issue. He has worked on this very arduously for the past year and a half at least. I know there have been many changes that have been made to the original legislation that he proposed. I think it is fair to say that under the original legislation it would have been a much more draconian approach to the problem which most of the State and local officials have confronted over the years. I commend Senator KEMPTHORNE for his willingness to look at the complications and the complexity of the issue before us. So I join my colleagues in commending him for his efforts in this regard.

Mr. President, the entire issue of unfunded mandates really comes back to the issue, I think, that we have confronted about Congress being perceived as having lost touch with the rest of the country. Late yesterday, we concluded debate on legislation dealing with extending coverage to Congress the laws that we apply to the rest of America. Again, inherent in the need for that legislation is the perception that we who serve the public here on Capitol Hill are somehow living in a place of barricaded privilege, that we do not deal with real issues or real people, and that we do not understand the nature of the problems that confront them. I think that was at least one facet of the legislation we passed yesterday as we tried to dispel that perception, and also create a sense of equity. We understand that when we pass a bill that applies to other people, it also applies to us. So we live under the same rules.

That perception also applies to unfunded mandates, namely, the feeling that people in Washington go about their business of passing laws, all of which may be quite meritorious, without fully understanding the costs. As a matter of fact, most, if not all, of the bills that we pass have at least a partial measure of merit that many of us feel compelled to support. It may be safe drinking water, it may be clean air, or it may be any number of issues which the American people, in concept at least, support. I do not know many people who would like to see mercury in our drinking water, toxic waste in our soil, or needles wash up on our beaches. The American people want protection against many types of pollution.

Again, we talked a great deal about deregulation or ''demassification.'' We talked about passing responsibilities back to the States. Yet, there is a measure of inconsistency on all of our parts, because the first thing that happens when there is an airline disaster, or a situation like Three Mile Island, or a Love Canal, is that many people want to know where the Federal agencies were?

The public asks where was the EPA or the Nuclear Regulatory Commission? Where are the folks who are supposed to be looking out for the Nation's safety? So we have a conflict between what the people expect and what is delivered.

Underlying this particular legislation is the notion that somehow we pass laws without regard to the burden that we are then shifting on to the backs of the State or town officials. And they, of course, face a different problem.

I, like Senator KEMPTHORNE, used to be mayor of my hometown. I did not have to confront at that time either the Clean Air Act or the Safe Drinking Water Act. But, nonetheless, I felt the pressure of the burdens that were placed upon us.

We had very little choice in how we responded to these particular types of mandates. Our only option at the local city level is to do what? To raise real estate taxes. And each time, of course, we raised real estate taxes, we were putting greater and greater burdens upon people who could not afford it. There was really no relationship between an individual's wealth or ability to pay and the taxes that were being raised.

I look at the city of Bangor, for example. As a result of unfunded mandates they will have to bear a burden that may seem minor to most of us in this Chamber, about $2 million a year for the next 15 years. Because the city was required by the Federal Government to construct a new secondary wastewater treatment plant, at the cost of $25 million, water rates are increasing by as much as 20 percent a year. Real estate taxes are getting higher and higher. We are forcing people to sell their homes.

So we face a situation of forcing people to actually sell their homes because they can no longer afford to maintain them by virtue of the taxes that are being imposed as a result of actions taken here at the Federal level.

We, on the other hand, who legislate from Washington have a number of options. We can raise income tax rates, which has been done, or we can simply pass a mandate and borrow the money, which is what we have been doing for the past 10 or 15 years. So we have been spending and borrowing. They cannot do that as easily at the State and local level as we can here.

I mentioned before that many of the mandated laws are meritorious. I do not think many question that. The difficulty comes about, as far as State and local officials are concerned, because they keep cascading down without relief. It is not just one mandate that they have to comply with, it is a dozen mandates. It is not just clean air, but it is clean water. Or it is a motor voter law. We debated the motor voter legislation in the last session of Congress.

Again, I think it is important that we make every effort to ease the process by which our citizens can become registered to vote to encourage them to participate in the voting process. On the surface it was a piece of legislation that ordinarily I could have supported.

However, we do not need it in Maine. In Maine, we have same-day registration. We have constructed our own system that is tailored to Maine's history and tradition and culture and laws.

But we passed the motor voter legislation. It was a mandate and it was unfunded. It may not sound like much to a lot of people. There was $47 million that we were passing on, once again, to the States and saying, ''Here, you pick up the bill.'' Rather than let the States decide whether they needed or wanted this type of law, we mandated that they do it. So the mandates are relentless and there is no relief being granted to mayors and town councils or State Governments.

In Maine, we had one former city mayor who made a very provocative statement saying, ''We're going to have the cleanest water, but the dumbest kids in the State.'' It shocked people when he said that but as far as he was concerned, it was true. He could not raise taxes any higher. He could not raise the money for education because he had to allocate it to meet Federal mandates. Education was being deprived. There was no balance involved.

There was no ability to prioritize and say, ''Give us a break. Could we have a longer period of time in which to phase in this particular mandate? We cannot raise enough taxes. We don't have the people earning enough to pay for this.''

And the answer from the Federal Government was of course, ''No, you don't have any choice. You have to

meet them all or you face severe financial sanctions if you do not meet these particular deadlines.'' And, sure, the EPA or whatever the agency might be, would try to negotiate, but there was very little flexibility involved.

Senator JEFFORDS introduced legislation, which I supported, trying to provide some relief that was called the STEP Act, to give those small towns with populations of 2,500 or less some relief. But that was not enough to deal with the magnitude of the problem that we are facing.

I think at the heart of this bill a cry from the people saying, as we might when approaching an intersection with a flashing red light, ''Stop and look and listen.'' I think that is what Senator KEMPTHORNE and others have tried to construct here.

Communities are saying, ''We do not have the ability to measure up to all of these mandates. Take a very careful look at what you are mandating that we must comply with. You are not taking into account our relative economic status. You are not taking into account any of the impositions currently on the books. You are adding and adding and adding and there is no relief in sight.''

So this legislation really is a flashing red light, as I see it, calling upon Congress to try to identify legislation that is important. Clean air is important, and clean water is important, and safe drinking water is important and, yes, motor voter legislation is important. But we have to take into account exactly what we are doing by passing on the bill to those who are unable to pay for them.

(Mrs. HUTCHISON assumed the chair.)

Mr. COHEN. I think we also ought to take into account that this bill is not a panacea. It is possible it could even create as many problems as it seeks to solve.

We need to think carefully through the ultimate consequences as to how this all will work once it is in place.

I mention this, Madam President, in connection with another subject I would like to talk just briefly about.

We are confronted with a Contract With America. It is a contract that was signed by many of those in the House of Representatives; not by any, that I am aware of, here in the U.S. Senate.

Nonetheless, I think there is great identification with many of the issues contained in the Contract With America, especially on the Republican side of the aisle. However, I think many of the issues contained in that contract will enjoy bipartisan support.

The Contract With America is apparently on a very fast track in the House of Representatives. Frankly, the House can do that. The House is able to move far more quickly than we can, and that is because, under its rules, it is designed to move expeditiously. The Senate, by contrast, is a completely different institution. The Senate, by custom and institutional history, is designed to slow things down. It is designed to force Members to debate issues at greater length, to engage in discourse that will raise the level of interest on the part of our constituents, and to raise the level of scrutiny on the part of the national press corps. Basically, the Senate is designed to generate enough interest in an issue that the American people will be satisfied it is the wise thing, not necessarily the fast thing, to do.

That occurred last year during the debate on health care reform, a major piece of legislation that could, under the right circumstances, have been gavelled through in the House with a limited measure of debate. In the Senate that was not possible. It was not possible because under our rules we needed more time to really ventilate the complexity of the issues involved.

I think we did a great service to the country. Now, a lot of people, especially in the press, are saying, can the Senate measure up to the House? Will the Senate be able to pass the ''Contract With America'' on a fast track? How is Senator DOLE going to measure up with Speaker GINGRICH in meeting these targets?

If it is a race to the finish line in 100 days, I think it is probably no contest. If it is a question of wise leadership, then, I think the conclusion could be quite different.

I might say I am raising this issue in connection with this legislation. I am looking at my colleague from Ohio, a gentleman I have more than a great deal of respect for. I consider him to be one of the true heroes of this country not only based upon his past experience as an astronaut but, in the way in which he has carried out his responsibilities as a Member of the U.S. Senate. I have served with him on the Governmental Affairs Committee, the Intelligence Committee, and the Armed Services Committee. I have traveled the world with him. I think that he is someone to whom we are deeply indebted for the quality of leadership he has brought to public service.

During the debate on this particular matter before the Governmental Affairs Committee, the Senator from Ohio raised some valid points. Had we given sufficient consideration to all of the permutations involved in this legislation? Had we given sufficient consideration to the consequences? How is it going to work procedurally? Parliamentarily? How is it going to work realistically as it applies to the country? Yet, we rushed it through. We rushed it through with very little debate.

We voted down every amendment. There was a good reason for that. We are trying to give Senator DOLE, our leader, an opportunity to say that we can take legislation up, we can debate it, we can move quickly. We do not want to see the same kind of tactics, stalling tactics, that we engaged in years past. Let us see if we cannot exercise some ability of governance.

I say this because it seems to me as this legislation comes forward, as it did on the Congressional Accountability Act, many amendments will be offered. Again, many of the amendments offered to the Congressional Accountability Act had merit individually but, as a practical matter, no application to the bill that was under consideration. They were designed—I say this with all due respect to the other side—politically, to put the Republicans on notice that there will be a lot of tough issues coming up for which we will have to be accountable and make us vote on each and every one of those issues. That was the whole purpose behind them. We understand that. As a matter of fact, we did it when we were in the minority.

That, it seems to me, is part of the problem that I see in the country, as to why this institution is not held in high regard. People look upon the Senate as playing tactical games. It is only January 1995, but already posturing is going on for 1996. After all, 2 years is a very short time in politics, and some on the other side feel that if they can just put the Republicans on the defensive, we will look bad. Maybe they think we will have a hard time holding on to that majority next time around. So the amendments are offered.

Again, I say this not in the way of any moral posturing here. We are guilty, or were guilty, of the very same thing. It has been going on for years and years and years. I think, from my perspective, we are coming to a point when it has to stop. It really has to stop or at least slow down. We ought to, if we cannot strike some kind of accord with our colleagues as we look at legislation, try to tailor amendments to either improve or modify the legislation in a way that we think is in the best interests of the country, but to stop the gamesmanship.

There will be time enough as we get into the final stages of next year where we can take our philosophical positions and try to gain tactical advantage. But for now, at least, we ought to try to focus on the legislation before Members. I believe the Senator from Ohio has offered amendments in the very finest tradition and from the best of motivations.

I might say, my colleague from Michigan—he is not here—also raised valid points about this legislation before us today. How is it going to work? These are the kind of amendments we should be willing to openly debate and give serious consideration to. I know we are all motivated by a desire to make this conform as closely as possible to the legislation that the House will pass. I also think that we should give serious consideration to those issues that we are not clear about.

So it is in that regard that I hope the amendments come forth during this, I expect, several days' debate. Frankly, that it might take several days or a week is not troubling to me; this is an important piece of legislation. We should consider issues thoughtfully and

try to work with our Democratic colleagues in fashioning amendments that really do pertain to the legislation. I know there will be some that will be emotional but have nothing to do with this bill. And they will be voted down, probably on a straight party line.

I urge my colleagues that, if we really want to show the American people that we have an opportunity and an ability to govern and we are doing so in a fashion that we think is consistent with the Nation's best interest, that we try to approach it on that basis and not seek tactical advantage. I think all of us feel the pressure to go along this fast track as quickly as we can to show that we, the Republicans, who have not had control of both Houses in over 40 years, can govern in a way that is consistent with the Nation's goals and needs.

I urge my colleagues to resist the temptation to offer amendments that have absolutely no relevance to this bill. I know there is the tactic to present the Republicans as simply wanting to make the trains run on time. They just want to throw off the trains the homeless, the helpless, the handicapped, and the children, to make sure they run on time. That is the tactic on the part of some. That is the goal. That should not be. What we are trying to do is to carry out what we believe to be a responsibility to the American people. I hope that we can, at least on this legislation and for the foreseeable future, try to address ourselves to the issues at hand.

Mr. GLENN. Madam President, I certainly support what the Senator is talking about here.

I thought for a long time we should have some sort of germaneness legislation worked out here. They have germaneness rules in the House, and I think we should do something. I do not try to talk down to personal interests of people who have a particular interest, whether social matters, economic or whatever it is, and they will avail themselves of the opportunities to trot that out as their interests. They have committed to the people back home that they will do that. And they will bring that up unless we have germaneness rules that apply.

I hope, also, that we can keep the debate on this and keep the amendments submitted to those that are germane. However, we have not all been around here for a while as the Senator from Maine has, along with me. It is futile to think that will occur. We saw the congressional coverage bill draw an awful lot of things, as far as amendments go, that were not germane. So we consider them, and we have to take them up. I certainly support some effort to get germaneness to apply in the Senate sometime in the near future, hopefully, in this Senate.

Mr. COHEN. Madam President, in the absence of changing the rules, I say to my good friend, I hope we will exercise some restraint, because I think the very things that we do on this floor to gain tactical advantage are what contribute to the criticism. The characterization of the Senate and the House is something I think we need to address. I hope it is something we can minimize, certainly on this bill and in the future. Republicans are going to be voting down amendments which are not germane, for the most part. There may be some exceptions on some issues seen as being so overwhelming in importance that we cannot resist them.

For the most part, those amendments that are going to come forward that are not relevant to this legislation will be voted down probably on a party line, again, with the notion we are trying to work with our House counterparts. We cannot work on the same timeframe—it is impossible—but we will do our level best.

Mr. GLENN. Will the Senator yield for a further comment? And that is this: I hope there is not a feeling of voting down all amendments on this because there are really some very substantive matters that need to be corrected in this bill if we are going to make good, workable legislation.

We were not able to get any of those considered the other day in committee, and the idea then was that we would consider those on the floor. That was so stated. If we can do that, that is fine. That will improve this legislation.

So I hope this opposition to amendments on the Republican side does not include anything that really is substantive and germane to this, because I think it important we get some of those things considered.

Mr. COHEN. I think this legislation is serious. There is still some confusion, frankly, among a lot of Members in terms of exactly how it will work. So I think we will take as long as necessary to work our way through that. I think that is the spirit with which the sponsor of the bill has approached this. He has made a number of very positive and constructive changes since he originally introduced the legislation. I think he is going to be willing to work, in whatever fashion we can, to strike strong bipartisan support for the bill.

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Madam President, first of all, I want to commend the distinguished Senator from Idaho, without whose energy and hard work and determination we would not be here today considering this legislation. Obviously, the committees with jurisdiction had important roles to play as well because they considered the legislation and reported the bill favorably. Both the Governmental Affairs Committee and the Budget Committee worked expeditiously to get this done.

My strong commendation includes the leaders of those committees, as well. I must say that as a member of the Governmental Affairs Committee, it has been my pleasure to work on this legislation for some time now, and I do not know of any bill where there seems to be such strong support among local elected officials, Governors associations, and others who would be directly affected by this legislation as we have seen with this bill. Letters have poured in, last year particularly. In 1993, when we were considering the legislation, I can recall the Mississippi Municipal Association very strongly endorsing this concept and urging that we act in the way we plan to act in the passage of this bill.

It is not a problem that has just developed overnight, either. It is one I can recall back as far as my early service in the other body when we were enacting legislation to help provide education opportunities for handicapped children, to ensure that they would not be denied an opportunity to learn and grow and develop in our public school systems just because of some physical or mental impairment that made it difficult, maybe, or more expensive to provide those educational opportunities to them.

But the catch was that the Federal Government, while it was imposing this rule and requirement on local school districts, was providing no funds whatsoever to pay the additional costs that were going to be incurred. Many of us tried to get the legislation amended to provide a Federal funding matching program of some kind, and we were unsuccessful. The costs of that were enormous. I am not saying we should not have enacted the legislation because the goal is certainly worthy and honorable, but what the Federal Government did is shift all of the costs of compliance to local governments.

I can also remember as a Member of the other body on the Public Works and Transportation Committee trying to develop ways to help clean up our rivers and streams, our groundwater resources, so we were directing, as a part of that effort, local governments to build wastewater treatment facilities, with a lot of Federal rules, a lot of Federal specifications, EPA issuing regulations about the kinds of facilities that had to be constructed.

What was missing in all of that, again, was any kind of real effort to help withstand the enormous costs, particularly in those communities that had no way to really pay for what had to be done, according to the Federal Government.

It seemed to me at that time—and later, too—that we needed to be more cost conscious. We needed to try to design programs that had flexibility so local governments could figure out a better way or less expensive way to achieve the same results, maybe, in many cases. But even then, the Federal Government is hard to deal with on issues like that. The tendency is, if you are not having to pay the bill here, let the local government officials worry about how to do it, how high they have to raise the taxes, and how much burden they have to impose to comply with Federal mandates.

We are going to do something, finally, about that problem by passing this bill, and it is because of the strong leadership of Senator KEMPTHORNE, and others I mentioned, that we are able to see this come to pass.

One issue that has arisen—and I want to ask the distinguished Senator if he can help me answer this question—from my constituency is about those entities in the private sector who provide services that are sometimes in competition with municipal or other government services. I have in mind particularly a request that I had to consider offering an amendment that would prohibit any private utility, for example, being put at a competitive disadvantage because of this legislation.

My reaction when I had the request put to me was, ''Sure, I'll be glad to offer that amendment. That sounds fair. We don't want to put anybody at any disadvantage.'' Then I began looking into the situation, and I heard from my friend from Idaho that this might start a process of unraveling the bill, and I do not want to do that, either. I am for this bill. I am a cosponsor of the bill. I want the bill to pass, and I do not want it to be unnecessarily weakened by any amendment that I might offer.

But what is my friend's response to my constituent who says, ''We don't want to be in competition with Government utilities; we don't want to be put in the position because they are going to have these Federal mandates somehow minimized or satisfied with Federal dollars, whereas the private utility is not going to have that kind of help from the Federal Government under this legislation''?

I am happy to yield to my friend for the purpose of responding to my question.

Mr. KEMPTHORNE. Madam President, I appreciate the question. I say to the Senator from Mississippi, that is precisely the issue that caused us to put into this legislation a request—not a request, but a requirement that the committee report will address what impact does a mandate have on both the public and the private sector and what sort of impact could it have on that competitive balance between the two of them, because nothing here is done that would in any way cause the private sector to be adversely impacted by this legislation. That is why I think you see such strong support for this bill by hundreds of the organizations that represent small business and industries throughout the United States.

So, again, we have addressed that question of competitiveness and also, if we were to provide funds to the public sector in an area where they are also seeing the private sector carry this out, that that would cause unfair competitive advantage. That would be the sort of rationale that you could then come to the floor, based on that information, and seek to have a waiver of this point of order because of that competitiveness.

Mr. COCHRAN. Madam President, I thank the distinguished Senator. I hope that I am understanding the Senator correctly then that the amendment that I am describing is really not necessary to help ensure that this balance, this fairness will exist as between private and public sector entities that may be providing the same kinds of services.

Mr. KEMPTHORNE. I will respond to the Senator from Mississippi, that is correct. We have worked with our partners in the private sector to go over this language so that they, too, can feel that this addresses it. But in the event that we find that something down the road may cause an impact on the competitive issue, that is what we can then discuss and bring before this body.

Mr. BENNETT. Madam President, will the Senator yield for further comment?

Mr. COCHRAN. Madam President, I am happy to yield to the Senator.

Mr. BENNETT. I have examined the same issue, I will say to the Senator, because I feel very strongly that private enterprise should not be put at a disadvantage. I think the misunderstanding comes from some of these private entities who think that passage of this legislation will automatically mean Federal funding of local facilities.

In fact, what is happening now, at least in my State, is that the Federal Government is putting a mandate on the public facility in the State and then requiring by virtue of that mandate local taxpayers to come up with the money. So that the public facility is in fact funded, but it is funded on the backs of local taxpayers or State taxpayers rather than Federal taxpayers. And if there is going to be a competitive disadvantage, it may well be the Federal Government says we are not going to come up with the money and the locality says we can in fact achieve the standards more cheaply, and therefore we will have less funding at the local level, and thereby lowering the cost of the public facility.

Having been in the competitive business world most of my life, I do not shy from competing with somebody who is dealing with honest costs. And I think the way this legislation will work will be to make the costs more honest rather than dishonest. And it is a fallacy to think that passage of this legislation is automatically going to mean a flood of Federal funding to local projects. I do not believe that will be the case. Therefore, I intend to support the legislation without that amendment in spite of my strong private industry background.

Mr. COCHRAN. Madam President, I thank the distinguished Senator from Utah for his comments and again reiterate my support for the legislation. I commend the Senator from Idaho. I look forward to working with him through the debate, the amendment process of this legislation, to make sure that it does achieve the results for which we all are striving.

I thank him for his courtesies.

(Mr. ABRAHAM assumed the chair.)

Mr. KEMPTHORNE. Will the Senator yield?

Mr. COCHRAN. I am happy to yield to the Senator.

Mr. KEMPTHORNE. I appreciate that. If I may just to take this one more step, I referenced that we spoke to different organizations, businesses in the private sector, about this very issue and I would just like to reference a letter from Browning-Ferris Industries. In the letter they state in one of the paragraphs:

> After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S. 1 is creation of a favorable climate for the private sector. In fact, S. 1 seeks creatively to address a concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place.
>
> With your commitment to assure equality for the private sector—no more but no less—where competition exists between the public and private sectors, we are pleased to strongly support S. 1.

Also, from the U.S. Chamber of Commerce, reading a portion of that letter, it says:

> I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in title II of S. 1, ''Regulatory Accountability and Reform,'' and your recognition of the potential unfair competition issue between business and State and local governments, make this a much stronger bill that can have a significant impact on the current regulatory burden.

And again strong support.

I ask unanimous consent, Mr. President, that these two letters be made a part of the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

BROWNING-FERRIS INDUSTRIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Building,
Washington, DC.

DEAR SENATOR KEMPTHORNE: We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S.1 has a prospective effect only, which we understand was your intent all along.

After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S.1 is creation of a favorable climate for the private sector. In fact, S.1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of

them prior to your tenure in the Senate—BFI is convinced that your dedication to free enterprise is unsurpassed.

With your commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S.1.

Sincerely,

RICHARD F. GOODSTEIN.

CHAMBER OF COMMERCE OF THE,
UNITED STATES OF AMERICA,
Washington, DC, January 3, 1995.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building,
Washington, DC.

DEAR DIRK: On behalf of the U.S. Chamber of Commerce Federation of 215,000 businesses, 3,000 state and local chambers of commerce, and 1,200 trade and professional associations, I sincerely commend your hard work and tenacity on the ''Unfunded Mandate Reform Act of 1995,'' S. 1. The Chamber membership identified unfunded mandates on the private sector and state and local governments as their top priority for the 104th Congress. Accordingly, the chamber supports this legislation and will commit all necessary time and resources to ensuring its passage early in this session.

I particularly want to thank you for responding to our concerns about the role of the private sector in this debate and the potential impact it could have had on the business community, especially small businesses. Your willingness to include the private sector in Title II of S. 1, ''Regulatory Accountability and Reform,'' and your recognition of the potential unfair competition issue between business and state and local governments, make this a much stronger bill that can have a significant impact on the current regulatory burden.

Again, Dirk, we appreciate your commitment to this issue. I look forward to working with you to secure passage of S. 1 as well as other issues that we can join forces on for the 104th Congress.

Sincerely,

RICHARD L. LESHER.

Mr. KEMPTHORNE. I thank the Senator from Mississippi for his support.

Mr. COCHRAN. Mr. President, I thank the Senator for his comments and answers to my questions. I look forward to working with him through the remainder of this process of this bill, to bring it to passage and deal with the amendments so that we will achieve the result that we are all seeking.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. I assume, the hour of 2 p.m. having arrived, the bill is not only open for discussion but for amendments now?

The PRESIDING OFFICER. The Senator is correct and the pending question is the committee amendment on page 10, line 15 through page 11, line 3.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio has the floor.

Mr. GLENN. I yield the floor.

Mr. KEMPTHORNE. Mr. President, it would be my intention at this point to seek a unanimous-consent agreement that we could move forward and that all committee amendments reported with respect to S. 1 be agreed to en bloc and considered original text for the purpose of further amendments with the exception of two amendments as follows: The amendments found on page 25.

And so again that would be my intent. I know that the distinguished Senator from West Virginia had expressed concern earlier, so I would yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. KEMPTHORNE. Mr. President, I would make that in the form of a unanimous-consent request to see if there is objection.

Mr. GLENN. I would support that on this side with the exception that he mentioned, the two changes on page 25, line 11 through 25 at the end. We want to have a debate about that later on, the applicability of those items stricken by the Budget Committee. We will have a debate on that a little bit later when we can deal with it.

The PRESIDING OFFICER. Is there objection to the request?

Mr. BYRD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will say at the beginning that I may vote for this bill. I do not know in my own conscience and in my own heart as to whether or not I will vote for this bill or against it. I think there are some things about it that I have read in the press which lead me to believe that some parts of it have some merit. Perhaps the whole bill does.

So I am not making an attack on the bill. But I know something about the process here. And I feel that Senators are entitled to have a committee report on this bill, the committee report which I thought was going to be filed the day before yesterday, the evening of the day before yesterday, and even when that did not materialize I thought that the Budget Committee report would be filed last evening. Well, today the report that has appeared on the floor is the report by the Committee on Governmental Affairs.

I am glad we have that committee report. I compliment the committee on preparing the report and having it here even though it is a little bit late. But I wish to see the Budget Committee report.

I was opposed to taking this bill up without our having—when I say our, I mean Senators having an opportunity to know what was in the bill, having an opportunity to see the committee report, having an opportunity to see minority views.

I had heard that the minority on the Budget Committee had wanted a committee report, had wanted to file minority views, and that there was a vote which occurred in the Budget Committee, and that they were voted down, the minority were voted down on that point and that the objections to having a committee report went to the point that the leadership of the majority wanted to bring the bill up quickly on the floor of the Senate. Therefore, there was opposition to having a committee report. That would slow the matter down. And so the battle was lost by the minority, there.

Now, I am not close enough to this bill to have realized that the measure was also making its tracks in the Committee on Governmental Operations and Governmental Affairs, and the bill that had been reported out by that committee would be the bill that would be taken up on the floor. I was not aware of all that. I was only aware of what I have already stated, namely that the minority in the Budget Committee have wanted a report, have wanted to file minority views, and that the objections to that course of action were based on the need to move this bill to the floor quickly and to take it up quickly.

I was assured there would be a report filed on the evening of the day before yesterday. It was not filed. I asked for it yesterday morning and found there was no committee report. But in releasing my objection to the unanimous-consent request to take this bill up today, I thought that the majority was going to file a report that evening of Tuesday, and of course I had in mind the Budget Committee report, for the reasons I have already stated. I was not close enough to the matter, had not followed it closely enough to realize it was on a two-track committee referral system, or whatever, and that the report that was really going to be filed at some point was the committee report that has come to our attention today from the Committee on Governmental Affairs. Had I known that that was the committee report, I still would have objected to taking the bill up today because I wanted to see the Budget Committee report and I thought that the Budget Committee minority had a right to have a report and had a right to file minority views.

Now, it can be said, and rightly so, that we who were in the majority have, upon occasions, filed measures without committee reports to accompany them. I do not recall any specific occasion but there have been occasions and I think there probably was some justification for that. But I cannot see that justification in this instance. The Senate is not up against a deadline. We are not up against a deadline such as the beginning of the new fiscal year or the need to pass legislation to increase the debt limit. We are not up against an adjournment sine die. We are not up against any deadline that should preclude the minority in the Budget Committee from having a committee report and having an opportunity to file minority views.

I understand the same thing happened in the Committee on Governmental Affairs. That was stated by the distinguished Senator from Ohio [Mr.

GLENN] earlier today. They, on that committee, sought to have a committee report, the minority view. I may be misstating—I may be misstating the circumstances.

Mr. GLENN. We did, and called it for a vote, and lost.

Mr. BYRD. I am assured by Senator GLENN that that is the case, that the minority called for a committee vote and lost.

Now, Mr. President, if this were an emergency piece of legislation or if it were a piece of legislation that had to pass before next week or before the week after, had to go to conference—with some justifiable emergency deadline facing us, I could understand the necessity, perhaps, for bringing it to the floor without a committee report. But those circumstances do not obtain here. There is just a rush to get this through the Senate.

We have heard a great deal of late about the Contract With America, or some such. I have not read the Contract With America. Perhaps I ought to read it. And there may be things in the Contract With America that I could support. I was not a signatory of it, and I do not feel bound to emasculate the legislative process here, that we have a right to expect as Senators—I do not feel bound to emasculate that process in order to get this so-called Contract With America fulfilled.

I am reserving my own judgment about the Contract With America because I have not studied it. I am in no position to say it is good or bad, that I object to this or do not object to that. I make those decisions in due time, as and when it is necessary. But I have been led to understand this is an important bill. It is far-reaching in its consequences. Why all the hurry? Why all the rush? Why can Senators, like the Senator from West Virginia, who are not on either of these two illustrious committees, not have an opportunity to read a committee report on something that is being rushed through, something that is far-reaching and important, as is this bill?

I am not—I make it clear—I am not attempting to set myself up as a traffic cop here, with respect to taking up legislation. But I think I know something when I see it. And I see this as something that is being pushed too fast and I think I am reasonable in expecting a committee report so that we can know what is involved here, what the minority views are, what the individual views are if there are such. That is a reasonable request.

I raised the question this morning while I was still on the floor. The report by the Committee on Governmental Affairs appeared, and I am glad for that. I compliment the committee now, as I did then, on producing the report. I still have not had a chance to read it.

But I think that we will be unwise, as legislators, to rush to pass legislation of such far-reaching consequences—and perhaps they are good ones, good consequences. But I, as a Senator, am entitled to expect a committee report. We have one of the reports now, just made available today, by one of the distinguished committees. I do not say this—anything I have said—in criticism of any Senator. I certainly think highly of the Senators from these committees, and the two managers who are on the floor today. There can be no more reasonable men than these two Senators. I know that they are doing what they think is best. They have had an opportunity to study the legislation. They believe in it, and perhaps with good cause, as I might myself agree if I knew more about it.

Mr. President, the time has come now to start voting on amendments. I hope we will not vote on any amendments until we get the Budget Committee report. The bill which is going to pass the Senate is a bill that is before us, if it passes the Senate. I have no doubt that it will. Most everyone seems to be in favor of it. I am simply trying to reserve my own opinion on S. 1. But the Budget Committee is very much involved. I am not on the Budget Committee. It is very much involved.

I think the report of the Senate Budget Committee on this unfunded mandate bill is very important, that committee which has the responsibility to work with the Congressional Budget Office and to determine whether the CBO has the necessary resources to adequately carry out its responsibilities under the bill—the Budget Committee, not the Appropriations Committee, of which I am a member, but the Budget Committee. It is the Budget Committee that will have to determine whether or not there is a cost of more than $50 million on all future legislation as it relates to mandates. That committee's views, in my opinion, are very critical.

So, Mr. President, I do not want to take the floor here and fight the legislation. I am in no position to fight the legislation. I do not know anything about it; very little. I have been busy on other matters. I have some responsibilities to deal with, and I cannot be ubiquitous, everywhere at the same time. I am not omniscient. I do not know everything about this bill. What I do not know, I know very little about it.

I have a great deal of confidence in the managers. I know Mr. GLENN has been working on this type of legislation for years. I have absolute confidence in Mr. GLENN. I have known him for years, and have served with him all these many years. I believe him. But honest men do differ in viewpoints. He has had an opportunity to study the matter for years. So he has had an opportunity to reach his conclusions. I have not had any opportunity, and there are many other Senators—I am just talking about myself—in this body who have simply not had the opportunity to study this bill. This is not just some little sense-of-the-Senate resolution that suddenly popped up here on the floor. This is a major bill.

So I urge the leadership of the body on both sides to find a way to put off action on the amendments and on amendments that may be offered from the floor until such time as most of the Senators here have had an opportunity to know more about what is in the bill.

I do not think that is an unreasonable request because this is a big piece of legislation. It is one of the major components—as I understand it from listening to other Senators and reading in the press—of the Contract With America. So it is not just some little sense-of-the-Senate resolution. It must have some far-reaching consequences.

I am simply standing on the principle that before I buy into this legislation, I know something about it. As it is now, I feel I will have to vote against it. I voted against the measure that passed the Senate yesterday. I was the only Senator who voted against it, and I stated my reasons. And what I said at that time is that I tried to keep in mind the fact that I can be wrong, am often wrong. I thought that was not a piece of legislation that I could support.

Mr. President, I do not want to hold up the Senate unnecessarily. I am not an obstructionist, and never have been. I do not want to become one. I understand that there are ways to keep us here a long time. I am not trying to be an obstructionist. I am not suggesting a filibuster. I do not want to be in that position. But there is a principle involved here. That is a principle that the people have a right to know and their elected representatives have a right to know—not only have a right to know, we have an obligation to know; we have a responsibility to know—what is in this legislation. I think we have a responsibility to urge that an important report—that we as Senators may study, that our staffs may study, and that people on the outside of this Capitol Building may wish to read—be made available.

Would either of the managers be in a position to comfort me, console me, in some way give me assurance that the Senate will have an opportunity to see a report from the Budget Committee? I understand one has been prepared, is being prepared, and is being filed, I am told. I would be very happy to have some assurance on that point.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes, Mr. President, I yield.

Mr. KEMPTHORNE. It is my understanding that the chairman of the Budget Committee is on his way over here. So he can address the specifics of what the Senator has raised.

On the other matter about which the Senator asked—that is, that we have full opportunity in this body to thoroughly debate this bill—anyone who wishes to offer an amendment may certainly do so, and feel that they have had ample opportunity to debate it. I

can assure the Senator of that. I know Senator GLENN also made that point.

So again, we are not going to cause anyone at this point to feel that they are being rushed. We are here because we believe that the merits of this legislation will stand up to the discussion that we look forward to having.

So I can only assure the Senator on that point.

Mr. BYRD. I thank the Senator.

I thank the Senator. I do not express by way of any exaggeration my respect for the distinguished Senator. I have great respect for him. I have been impressed by him since his swearing in here some 2 years ago.

I guess what I am asking is: Can we forego the voting on amendments until we have an opportunity to know what they are about? That is the only reason I came to the floor. I understood we were going to start voting on amendments at 2 o'clock. And I would hope we would not have voting on Monday. I do not know what the committee amendments are. Perhaps with some time I could be aware of what the committee amendments were we are voting on, but right now I am not. It would be very helpful if there were a committee report from the Budget Committee before we start down the road of making decisions here.

There are minority views that are set forth in the committee report that is available, the report of the Committee on Governmental Affairs. So there are minority views. Apparently, there is not unanimity on the committee. If there were unanimity on the Governmental Affairs Committee, then there would not be any minority views.

Perhaps I ought to read into the RECORD what the minority views are. I do not want to take the time to do that if it is not necessary. There are six pages of minority views, and then there are the changes to existing law and various definitions and so on in the language that is in the bill. It is all set forth.

Mr. President, I can assure the Senate that there will not be any vote on this amendment until I get some kind of satisfaction. I am not saying I will hold the floor, but there will not be any vote on this amendment until I get some satisfaction. We ought to have more than we have access to here before we start down the aisle. We can have rollcall votes on all of the amendments. That would take a little time of the Senate.

How many committee amendments are there, may I ask the manager of the bill? I ask unanimous consent that I may ask a question and still retain my rights to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. How many committee amendments are there?

Mr. GLENN. Mr. President, we have a total of 14, in answer to my distinguished colleague from West Virginia.

Mr. BYRD. I thank the distinguished Senator for responding to my question.

Mr. President, before I yield the floor, let me state that I am not at this point against this bill. I may vote for it. I am not seeking to kill the bill. But I am seeking a committee report from the Budget Committee, who is very deeply involved in this matter.

Mr. GLENN. I may have given erroneous information. There were eight committee amendments, eight on the budget side, too. A total of 16 amendments now, I am told.

Mr. BYRD. I thank the Senator. I want to make it indubitably clear that I am not seeking to be a traffic cop. That is the third time I said that today, but some things bear repetition. I feel that we are justified in knowing more about this bill before we cast our votes and make our decisions on it. I believe this is the second bill to come up in this Senate session, and it is important. The number is S. 1, which indicates that it is a matter of very high priority to the leadership on the majority side, else it would not necessarily be in that number. It is important to many Members on both sides.

This bill has supporters on both sides, one of the supporters being Senator GLENN, the manager of the bill. He believes in it. Mr. President, there is a principle involved here. In this particular instance, this early in the session, we are not backed up against a deadline. There is no reason to rush this bill through without our being able to see a committee report—being able to see both reports. We are entitled to that. The people from West Virginia expect their Senators to know what they are doing, what they are voting on. It would be a good thing. In that case, we all may join hands in the end and say, whoopee, it is a great bill and I am for it. I may vote that way. But I am not prepared to vote today on this, and I can assure you that under the Senate rules, as long as the Good Lord gives me strength, I can jerk my limited tolerance in a way that will make it obvious that we are going to have an opportunity to have a little more time to study this bill.

I am prepared to yield the floor if any other Senator wishes to speak. But do not count on a vote on this amendment. May I say to the new Senators, do not be misled by someone using a motion such as, ''Mr. President, I move the amendment.'' Do not feel that that would get a vote. There is no such motion recognized in the Senate rules, ''I move the amendment.'' Senators can move the amendment all they want. If someone else wants to speak on it, under the rule, the Chair will recognize the first Senator who seeks recognition from the Chair. By seeking recognition, I do not mean just standing on one's feet, but, I mean, standing on one's feet and addressing the Chair, ''Mr. President,'' seeking recognition.

So Senators ought to try to relieve their overburdened vocabulary of the words ''I move the amendment''; relieve their vocabulary of those words, ''I move the amendment,'' or ''I move the resolution,'' or ''I move the bill.'' Nobody is going to pay any attention to that. The Chair will not put the question. The Chair will simply say, ''Do other Senators wish to be heard?'' The Chair is under no obligation to put that question simply because a Senator moves the amendment.

I take this opportunity to say that for the benefit of new Members, because a lot of our Members who have been here a long time have fallen into the habit of saying, ''I move the amendment.''

This is the U.S. Senate, and it operates under the Senate rules; under the Senate rules.

There are other Senators who are standing.

Mr. WELLSTONE. Will the Senator yield?

Mr. BYRD. I am glad to yield.

Mr. WELLSTONE. Mr. President, I was listening to the Senator. I was going to ask the Senator whether I could get unanimous consent to lay the committee amendment aside so I could offer an amendment. From listening to what the Senator has now said, I gather the answer would be no; am I correct?

Mr. BYRD. The Senator is correct.

Mr. WELLSTONE. I am disappointed, because I am anxious to get going with an amendment. But as I understand what the Senator is trying to say to other Senators of both parties, and for that matter, to people in the country, the position he is taking has nothing to do with what might be his final decision, pro or con, but more with his firm conviction that this is a major, important piece of legislation and he believes Senators should have an opportunity to carefully analyze it and understand it; is that correct?

Mr. BYRD. The Senator has correctly stated my position.

Mr. WELLSTONE. So that is the reason I would not be able to move now on an amendment?

Mr. BYRD. The Senator is correct.

Mr. WELLSTONE. I respect the Senator from West Virginia. I understand what he is trying to do.

Mr. BYRD. I thank the Senator.

I am going to yield the floor. Any Senator who wishes to get the floor can get it, but we will not vote on this amendment or any other amendment as of now.

Before I yield the floor, let me say once again, I am not trying to stand in the way of progress but I want, and I think other Senators certainly would want to know what they are voting on.

I will yield the floor for now.

I object to the previous request.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DOMENICI. Will the Senator yield for me to answer Senator BYRD's inquiry with reference to the report of the Budget Committee?

Mr. LAUTENBERG. I will be happy to consider a unanimous consent request that includes my retention of the floor, if I might ask the Budget Committee chairman how long a rebuttal or response he might need.

Mr. DOMENICI. Well, why do we not say 7 minutes?

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I may be able to yield the floor and that the Chair will recognize the Senator from New Mexico for a period up to 7 minutes, without my losing my right to the floor.

Ms. MOSELEY-BRAUN. Will the Senator yield for a question?

The PRESIDING OFFICER. Is there objection to the request?

Ms. MOSELEY-BRAUN. Will the Senator yield for an addition to your unanimous consent request? If you would include my statement to be immediately following yours?

Mr. DOMENICI. Mr. President, I withdraw my request. I will return to the floor in due course and answer the Senator's question. I do not want to hold up the Senator from New Jersey. He has been waiting a long time.

Mr. LAUTENBERG. Mr. President, if the Senator from Illinois will forgive me, I do not want to extend the unanimous consent request beyond that which the Budget Committee chairman has asked for in response to the ranking member of the Appropriations Committee.

The PRESIDING OFFICER. Is there objection to the request? Without objection, it is so ordered.

The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I say to Senator BYRD, might I suggest that in the process we followed in the committee, or to this point on the floor of the Senate, we did not intend to hoodwink anyone. We did not intend to deny anyone the information necessary to participate and respond to this bill.

As a matter of fact, consistent with the rules, in open public hearings, the Committee on the Budget voted that we were not going to file a report. I do not need to stand here and explain to you that that is perfectly legal; it is within the rules. So what we have filed is legitimate and within the rules of the Senate.

And my good friend from West Virginia constantly reminds me, as I grew up in this place, that you are governed by the rules. So let us make sure we all understand that we are playing by the rules. The rules did not require a report and we did not file one.

On the other hand, because people were concerned about it and we wanted to get this bill up, we filed in the RECORD, as if a report, everything that would be in a report. It is in the CONGRESSIONAL RECORD when the bill was called up. We have extracted it and given it to every Senator. So my good friend can have it, and it is exactly the same thing as a report.

In addition, we stand willing, if it is the technical printing of a document that concerns our good friend from West Virginia, Mr. President, to file a report shortly. It is almost ready. It is just another duplication of what is already printed but, so everyone will know, it will be called a report, which is what our friend from West Virginia says we should have.

Now, I repeat, we do not have to have it. There have been many bills called up without reports.

I noticed my good friend from West Virginia covered himself when he said, other than in emergencies, he does not do that. But I have been sitting in a committee hearing when somebody wanted to file an amendment and he said, ''I don't want amendments. I want to get it out without amendment.'' And they insisted and he said, ''There will be no report,'' and out went the bill. That was an emergency but, nonetheless, it occurred. That was the emergency supplemental for disaster flooding in the Midwest. I happen to be on the committee, and so I hear those things, too. That is irrelevant from my standpoint.

If the absence of a report—this document—is bothering the Senator, it will be ready.

I want to ask a parliamentary inquiry. I think I know the answer, but I just want to make sure.

Since the bill is already pending, if we come down here in 30 minutes and file a report, that does not entitle anybody to any amount of time like the 2-day rule on a report. The report is filed and there are no additional rights that stem from that; is that correct?

The PRESIDING OFFICER. The Chair will need to study the question.

Mr. DOMENICI. Mr. President, maybe we will make it as simple as we can.

If we call for the report after a bill is pending, then call it up, clearly nobody can ask for additional time for views. There are views already filed. That is all I wanted.

Mr. BYRD. Mr. President, I can assure his filing that report as of today, if he files it, does not give anyone the right to claim the 2-day rule. The bill is before the Senate.

Mr. DOMENICI. That is what I understood.

Mr. BYRD. The bill is brought before the Senate by unanimous consent. I would have objected had I known that there were miscommunications around here, misunderstandings, everybody was not singing out of the same hymn book.

Mr. DOMENICI. Mr. President, in any event, the answer to my parliamentary inquiry has been answered by the distinguished Senator from West Virginia.

Mr. President, might I ask the Parliamentarian.

The PRESIDING OFFICER. The Senator will restate the question.

Mr. DOMENICI. Mr. President, there are no additional days to be granted if I file this report today? The bill is already pending.

The PRESIDING OFFICER. The 2-day rule has already been complied with by calling up the bill. The 2-day rule will no longer apply.

Mr. DOMENICI. Mr. President, thank you.

Now, Mr. Parliamentarian, I want to file a report so my distinguished friend and others similarly situated will have an opportunity to have it.

Mr. BYRD. Mr. President, does that report contain minority views?

Mr. DOMENICI. Mr. President, yes, the views that we filed heretofore. We made an understanding in the committee that minority views will be filed with these views. They are here in the RECORD now. They are now part of this report, also, made by Senator BOXER and Senator CONRAD.

Mr. BYRD. Mr. President, may I ask this question of the Senator, with the indulgence of the Senator from New Jersey.

The committee had a vote and rejected the request of the minority by a committee vote. So the committee vote states in essence there be no committee report. Now, can the Senator—and I do not believe he can—can the Senator come to the floor now and without unanimous consent file this committee report without talking to the minority members on that committee and finding out whether or not they still want a committee report?

They were rejected in the committee. We had a committee vote saying there would be no committee report. Would not the Senator from New Mexico require unanimous consent to now file a committee report, which flies in the face of the objections that were made by the committee by rollcall vote.

Mr. DOMENICI. Mr. President, I am aware I have to ask that. I intend, before I submit it, to ask unanimous consent that it be in order that I submit the report. If the Senator desires to object, he may object, or anyone may.

But the report is completed and ready. The exact same thing has been ready for 24 hours although not called a report.

Mr. President, I ask unanimous consent that it be in order to file a report by the Committee on the Budget of the U.S. Senate at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, and I will just take 2 or 3 minutes, if I may, in explaining my reservation.

The distinguished Senator indicated earlier, in essence, as I understood him, that to have the statement in the RECORD or a statement that he is handing to me on the floor today which incorporates the majority and minority viewpoint should serve the purpose of having a document.

I do not agree with that. A committee report is important to any court in which a case is filed. It is important to any court in determining what the legislative intent is with regard to a particular bill. A committee report may

not carry great weight. The Journal carries considerable weight. The hearings probably carry less weight. The statement of the Senator on the floor would carry a certain amount of weight. But a committee report carries some weight.

So I would suggest we ought to have the committee report.

Now, Mr. President, I am not going to object at this point. The Senator has stated that the minority views are included.

Mr. DOMENICI. Yes, they are.

Mr. BYRD. Mr. President, he has asked unanimous consent, which means that if the Senate gives its consent—I do not believe I as a Member of the Senate should agree with that request until I know what the members of that Budget Committee, how they feel; they were voted down. So, until I am sure that all the minority members on the Committee on the Budget now agree by unanimous consent, I would interpose an objection. I will not interpose the objection at this point. I want to hear what the distinguished ranking member of the Budget Committee has to say.

Mr. EXON. Mr. President, further reserving the right to object, and possibly I shall not object if we can reach some understanding, but reserving the right to object, let me give my views as the ranking Democrat on the Budget Committee.

Mr. President, I wish to join with the Senator from West Virginia in questioning the rush to judgment on this bill without a report from the Committee on the Budget. Now, I say that, Mr. President, as a cosponsor of the bill, which clearly indicates that I am for it.

Let me just take a moment or two to recount what transpired in the Budget Committee and thereafter with regard to the committee report.

The PRESIDING OFFICER. Will the Senator from Nebraska suspend? The Senator from New Jersey was to be recognized at this point at the conclusion of the statement of the Senator from New Mexico. It would take unanimous consent to continue.

Mr. EXON. Mr. President, I ask my friend from New Jersey if he might allow me such time as is needed without losing his right to the floor.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the original order be extended to include the comments from the Senator from Nebraska for as much time as he needs, which I hope will be brief, to be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EXON. Mr. President, I thank my friend from New Jersey, and I thank the Chair.

The Budget Committee met this past Monday to mark up the pending bill, of which I am a cosponsor. We adopted eight amendments in committee. At the end of the markup I asked Chairman DOMENICI, my friend and cosponsor of the bill, whether he would be filing a report on this important measure. He answered that the Republican leader had asked that the committee not file a report so as to expedite the Senate's consideration of this bill as early as yesterday morning.

Several members on our side of the aisle objected to this; notably, Senator DODD and Senator SIMON. Senator DOMENICI then made a motion that the committee report the bill without a report. The committee adopted that motion on a straight party-line vote, 12 in support thereof and 9 opposed.

The next day, which was Tuesday of this week, the majority asked us whether they could file a report Wednesday night on the condition that there is no objection to shortening the normal 3-day period with the submission of the minority view, which I believe is in essence what the Senator from West Virginia is making his stand on.

Two Senators objected to that request. They wanted the full 3 days to do their minority views and review the report. So then the majority filed a statement in the RECORD in lieu of the report. This morning, I was advised that the majority leader extended members the opportunity to review the proposed report and add minority views until Tuesday next. This is Thursday. Now they say they want to file it right away.

Now, Mr. President, let me emphasize once again that I think this is good legislation, but it is not legislation that does not have a far-reaching impact. Mr. President, it is my view that nothing would be changed. Nothing would happen. In fact, it would be far better—even as an enthusiastic cosponsor of the amendment —that we took the time as suggested by the distinguished Senator from West Virginia to give Members a chance to look at this.

I simply say, Mr. President, that I am not going to be caught up in this 100 days to do everything that is important for America. I am not going to be an obstructionist, as I think my friend from New Mexico knows full well. I am not sure that my friend from New Mexico necessarily disagrees with what I am suggesting. I do not know.

But I suggest, Mr. President, that the Senator from New Mexico may be caught up in what the majority view is: We have to do away with all procedures, we have to do away with all caution because we have to get all this done in the next 100 days. The Senate of the United States and the House of Representatives is going to be in session more than 100 days in calendar 1995. I simply say I think that it is important, again, that reporting the bill be done to include such minority views as may be wished by the minority. I, therefore, believe we must consult with the members of the committee, the minority members, before we can consent to any such agreement.

Until that consultation has been done, I would feel constrained to object to the unanimous consent request. I would not like to object to all of this, but I want to be sure that the minority rights are protected and that such a far-reaching measure, such as this one—again that I am a cosponsor of—has a time to let the Sun shine in.

And so, Mr. President, the majority may be ready to file its report right now, but we in the minority of the committee have not read and have not had an opportunity to tell our side of the story. And when we tell it, it will be a straight story, recognizing that there is legitimate room for disagreement as to how fast we should move on this other bill.

I am not sure that all the minority members have had an opportunity to submit their views. In fact, I am all but certain that they have not. Some members may be still working on their minority views.

Therefore, I appeal to my friend and colleague from New Mexico, whom I work very closely on the Budget Committee with, to define for us, if he could, why is it necessary to rush full speed ahead on this in violation of the traditional rules of the Senate on introducing legislation, especially legislation as far-reaching and important as this one. I hope, since I am a cosponsor of the bill and strongly support it, that we would give those who may not share the enthusiasm of those who are sponsoring the bill do, to have the right to make their point. Therefore, I will be one of those who will object to any unanimous consent request in this area.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I withdraw my unanimous-consent request, and I will merely file the report at the desk as permitted. I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, just a parliamentary inquiry, if I could. I am not sure that the Parliamentarian is the right person to answer this question, but he perhaps could find out the information.

We had the same problem on the Governmental Affairs Committee report. We wanted a report. Many of us filed. There was an effort to obtain that report. I am not a cosponsor of this legislation but, frankly, I support its purpose. I did vote for last year's version of it, which is somewhat different from this year's version. I am very sympathetic of the goal being achieved here.

On the other hand, I am also one who thinks certain amendments should be considered. We wanted a report to be filed, just like on the Budget Committee there was a decision not to file a report. The purpose, by way of seeking the report, was not to trigger this 2- or 3-day rule, whatever it is in terms of delaying it coming to the floor, it was

to have a printed report with both views because there are a number of very critical questions, and nobody knows this better than the chairman of the Budget Committee as to how points of order might work in future years under what circumstances. I do not have to give him any pointers on this. He is way ahead of me on this subject.

We did, however, want a committee report, and we did object to this matter coming to the floor without that committee report and thought that we had worked out an agreement, relative to the Governmental Affairs Committee report, that the committee report would be filed prior to the bill coming to the floor. Through a misunderstanding, despite what we thought were clear discussions on the floor, that did not happen. We finally did get the Governmental Affairs Committee printed report this afternoon, and we are going through it. There are some things in there which are very important.

My question to the Parliamentarian now, I guess, is, or of the Chair, is this, if the Chair is able to tell us: How long will it take for that report, which was just submitted by the Budget chairman with the minority views, as I understand it, to be printed and circulated to the membership and any of the staff? Is this an overnight job?

The PRESIDING OFFICER. The Chair has been advised that normally it is an overnight job. The next morning it is available.

Mr. LEVIN. I thank the Chair and I yield.

The PRESIDING OFFICER. The Chair advises Senators, the Senator from New Jersey has the floor.

Mr. BYRD. Mr. President, will the Senator yield for just 1 minute that I might inquire of the distinguished Senator?

Mr. LAUTENBERG. I will be happy to yield until this part of the debate concludes, and I ask unanimous consent to confirm that and I still have possession of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, first, I want to thank the distinguished Senator from New Mexico, with whom I have served many years and for whom I have fondness and respect and admiration. We are on the Appropriations Committee together. I thank him for seeking to get a committee report now, even though it is late, a committee report which will be helpful.

As I listened to the distinguished Senator from Nebraska [Mr. EXON], I thought I heard him indicate that not all the members of the minority may have been contacted and given time to have their minority views included.

Now I ask the distinguished Senator from New Mexico, if that is the case and there are minority members who have not yet been contacted, will they be given an opportunity, now that the Senator has filed a report, will they be given an opportunity to file their minority views before the report goes to the Government Printing Office for printing?

Mr. DOMENICI. Do I have time for me to answer? I say to the Senator from West Virginia, Senator BYRD, first let me thank him for his kind remarks. The feelings are mutual, if not more so on my part, with respect to Senator BYRD as he spoke of me.

I cannot answer the question at this point because, frankly, none of what the Senator from New Mexico has done heretofore was intended to prevent Senators from filing views. I understood if they wanted to, they were going to file them. I understood that they were all given opportunity to file those, which are now incorporated in this report because they were part of the committee's views, both majority and minority.

I will just have to inquire as to what it might mean if we grant the Senator's request, and paramount in that, we will make sure that my understanding is they were given an opportunity, albeit short, but that happens around here.

I just want time to state for the RECORD, while the distinguished Senator from West Virginia has every right to inquire about a report, there is no requirement under this circumstance that we have one. We are glad that we can file one now. It might help somebody, but we did not have to, so we did not violate any rules.

Senator EXON asked about expediting legislation. I am all in favor of expediting this bill. I think our leader, our majority leader, had the perfect prerogative of saying, ''Let's get on with business.'' So I am on the majority leader's team trying to get that done, make no bones about that.

I thank the Senator very much, and I yield the floor.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

May I say, too, that I compliment the majority leader for trying to move the business of the Senate. That is why we are elected, to do the business of the Senate.

Mr. DOMENICI. Exactly.

Mr. BYRD. I congratulate him that we do not have 10 days or 2 weeks for a recess between the day we were sworn in and some later date. That is all the more reason why we have ample time to study these matters. That is what I am hoping to be able to achieve here.

I yield the floor, and I thank the distinguished Senator.

Mr. President, I believe the Senator from Nebraska lodged an objection, did he not?

The PRESIDING OFFICER. The Senator from New Mexico withdrew his motion.

Mr. BYRD. Yes.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. My purpose in rising is not to engage in the current debate but obviously one needs always to be reminded in this body about the fact that we are a body of rules and process that at all times has to be observed, and in particular when the senior Senator from West Virginia takes the floor there are always significant lessons to be learned.

Since we have such a large number of new Members in this Congress as Members of the Senate, it is not only a functionally good experience but a good learning experience as well to hear the distinguished Senator from West Virginia. He is without peer when it comes to knowledge of the rules.

I would also, Mr. President, note for the record that the distinguished Senator from New Mexico, the chairman of the Budget Committee, is someone whom I have worked with over my years here in more than one committee and have always found the Senator from New Mexico, even if we disagree on a particular policy or program, to be a man inscrutably honest and always willing to play by the rules. So what we saw was a challenge but a good interchange, and I commend my colleagues for highlighting the process so clearly.

I want to talk about something else, Mr. President. I wish to talk about the general proposition of the legislation that is now under consideration. I wish to commend the Senator from Idaho, Mr. KEMPTHORNE, and the Senator from Ohio, Mr. GLENN, for bringing this issue finally to the floor so we can make decisions about it and get on with the business. I certainly share that view.

However, I want to challenge all of us to consider as we review the bill and amendments to look very carefully at what is in them. This is the first day to begin this debate on the several bills that propose some very sweeping changes in the relationship of the Federal and State government and could drastically alter the role of the Federal Government in our Nation's life. We will make some needed changes during this Congress, but as we move to be smarter and smaller, we must remain compassionate and committed to equity, tolerance, opportunity and fairness in our national policy.

Despite overwhelming public cynicism, I have enormous respect for our democratic institutions, and I intend to fight to restore faith in American government and let our people know that their voices are being heard in Washington.

I am certain that every Member who will speak in the Senate today will focus on the need for Congress to be more sensitive to the financial burdens that we place on both the public and private sectors in our society. The American people feel overtaxed and that too much of their tax money goes to programs structured of little value.

I understand those feelings, and we should be more careful before we decide to increase Federal spending or pass requirements on to the States which result in raising State or local taxes.

As we increase our sensitivity to imposing unfunded mandates on the States, there are a few things we must acknowledge that are problems which require national solutions and national policies.

This is true particularly where there is more than one State involved or where there are legitimate and broad national interests at stake. It is especially striking in addressing environmental concerns but also holds true for economic, health, immigration, welfare, and educational policy, to mention just some of the issues that have been of concern to the Congress.

In today's political climate, this premise has become controversial and may even sound backward. And coming from a business background, I know as well as any Member of the Senate that Federal requirements can create very heavy financial burdens for business. But even if Members would dismiss the premise that we have a fundamental responsibility to set the tone and framework for our national life—to keep opportunity alive, to set minimum standards of decency and economic security, or to prevent discrepancies in State policies that result in so-called ''State shopping'' behavior, where people might wander or travel from State to State looking for a State that has better programs because there are more funds available to finance them—it is incontestable that certain issues are interstate in nature and can only be effectively addressed at the Federal level.

Further, I would argue that in our Federal system of Government, and in a society which is complex and closely integrated, we cannot address certain problems, like spiraling violence and gunrunning, or the spread of HIV-contaminated blood, or illegal immigration, or pollution which is interstate in nature, without a national policy. And some of these policies will necessarily involve unfunded mandates.

At last week's Budget Committee hearing, I cited an example from my State of New Jersey which clearly illustrates the need for Federal mandates.

Tourism is New Jersey's largest employer, and our seashore represents a major recreational resource for our citizens. The great majority of tourists in New Jersey go to our beaches, and we rely on our shore for our economic health and our way of life. But just a few years ago, in the late 1980's, New Jersey had to close many of its beaches when raw sewage and medical wastes were washing up on our shores. This problem, which could not be remedied within New Jersey's boarders, resulted in the loss of billions of dollars and was a major setback to the State's economy, image and our quality of life.

Under Federal law, the Federal Government stepped in to require the State of New York to install a wastewater treatment facility, to regulate the disposal of hospital and medical wastes and to require cover for barges that transported garbage from Manhattan to Staten Island. This created a mandate, an unfunded mandate. Under S. 1, it would not have been permitted without a majority of the Senators agreeing to waive its application.

Now, I wish to make the point very clearly that this action could not have been taken if we pass the present bill in its current form.

Now let us assume S. 1 becomes law in its current structure. Let us also assume that the problems New Jersey had in the 1980's recur. Would enough Senators come to the defense of New Jersey or any other State to provide full Federal funding to prohibit one State suffering from another's inaction or negligence? Would 51 Senators vote to waive the procedural requirements of this bill to remedy a problem potentially affecting only one State?

Halting interstate pollution is an important responsibility of the Federal Government. And I am concerned that this act may have a chilling effect on future Federal environmental legislation.

Another issue that may get loss in this debate is the benefit that States and their citizens derive from Federal mandates—even those not fully funded.

States may say, we know how best to care for our citizens; a program that may be good for New Jersey, may not be good for Idaho or Ohio. But, I would argue that there is a broader national interest in some very fundamental issues which transcend that premise.

I would argue that historically, not all States have provided a floor of satisfactory minimum decency standards for their citizens and that, as a democratic and fair society, we should worry about that. Further, as a practical matter, I would argue that the policies of one State in a society such as ours will certainly affect citizens and taxpayers of another State just as certainly as unfunded mandates can.

Let us look at our welfare system. There has been a lot of discussion about turning welfare over to the States, with few or virtually no Federal guidelines or requirements. What would happen if we do that? Would we see a movement of the disadvantaged between States, putting a heavier burden on the citizens of a State that provides more generous benefits?

Let us look at occupational safety, or environmental regulation. With a patchwork of differing standards across the States, would we see a migration of factories and jobs to States with lower standards? I think so. But by mandating floors in environmental and workplace conditions, the Federal Government ensures that States will comply with minimal standards befitting a complex, interrelated, and decent society.

Or let us look at gun control. My State of New Jersey generally has strong controls on guns. But New Jerseyans still suffer from an epidemic of gun violence—in no small measure because firearms come into New Jersey from other States. Without strong national controls, this will remain a problem. That is why we passed a ban on all assault weapons and why we passed the Brady bill.

Currently the Federal Government discourages a scenario whereby a given State decides not to enforce some worker health and safety laws as a way of lowering costs and attracting industry. A State right next door might feel compelled to lower its standards in order to remain competitive. In the absence of a Federal Standard, we would likely see a bidding war that lowers the quality of life for all Americans.

These are some of a host of very fundamental, very basic, and even profound questions raised by the notion that we should never have unfunded mandates. These are questions each Member of the Senate should consider long and hard, before moving to drastically curtail—or make impossible—any unfunded mandates.

During the course of this debate, some important amendments will be suggested to this bill.

First, I understand the Senator from Michigan [Mr. LEVIN] will seek to add a sunset provision to S. 1. I hope my colleagues will support this amendment because it will guarantee that we revisit this issue in a few years to assess the consequences of our actions. Some of us have spent years working to enact laws that protect our environment and the health and safety of our workers. If this bill does lead to an unwelcome reduction in that protection, or inequitable differences between the States, we will need to make a mid-course correction.

The Senator from Connecticut, Senator LIEBERMAN, will be offering an amendment to exempt from this bill legislation that affects the public and private sectors equally. I support this amendment because I do not believe the Federal Government should be promoting anticompetitive behavior between the public and private sectors.

As a corollary, we need to examine the impact of this bill on the longstanding concept, particularly in matters affecting superfund, of polluter pays, a premise on which much of our environmental legislation rests. In cases where a State or local government is the polluter, the notion that a polluter should pay the costs of cleaning up the mess amounts to an unfunded mandate.

Under S. 1, if the polluter is a State government, the Federal Government will have to pay to clean up that pollution. This would subvert the policy and effectiveness of polluter pays, which aims to discourage would-be polluters. Why would a State not pollute if it knows someone else is picking up the tab? Why should the taxpayers of one State pick up the tab for lax practices in another? What is the incentive?

This legislation addresses important issues. It strives to increase our sensitivity to imposing Federal mandates without providing resources to pay for

their implementation. But, it also could take us backward to a time of wanton pollution and unsafe workplaces, and aggravate our social problems and rising crime rate. I hope we will have a thoughtful debate, refine the bill to address some of the very real problems that have surfaced with S. 1 as it is being rushed through the Congress, and that we will resist amendments that have the potential to deal real damage to the fabric of our Nation.

I salute the notion of not imposing further burdens on States. I do not want to see my State put in a position where it has to raise taxes, has to raise revenues to carry on responsibilities assigned to it by the Federal Government, unless there is a national interest. Unless of course we affect the well-being and the condition of those who reside in neighboring States. Those are the things, I think, that we have to be aware of, that we have to address here. Because it will be very, very tough for many of us to be able to explain why it is that we are not intervening when one State's lifestyle, when one State's business is being damaged by another State's practice.

I am sure the discussion will be long, perhaps even arduous, but it is worth doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum—I withhold.

Mr. GLENN. Mr. President, just so everyone will know where our status is right here, I will give a recount right now. The committee amendments were submitted and there was objection to agreeing to those. Other amendments are not in order until that is disposed of, as I understand it, unless they would apply directly to that particular amendment itself.

The PRESIDING OFFICER. That is correct.

Mr. GLENN. So our previous order that amendments could be addressed here on the floor after 2 o'clock is sort of held up; is held up because of objection to—that committee amendment not being accepted. This would mean that anyone who did not get to give an opening statement, who wished to make comments, could be free to come to the floor now. But other amendments would not be addressed at this time. I think that is correct and I ask the Chair if I stated it correctly?

The PRESIDING OFFICER. The Senator has stated it correctly.

Mr. GLENN. So the floor would be open for any statements or opening statements that anyone else wishes to make, I guess with unanimous consent, on that or any other subject at the moment. But right now, we will not be able to do it unless they are addressing that committee amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, as chairman of the Governmental Affairs Committee, I am very pleased to have been able to hold a hearing on, and to have reported, the Unfunded Federal Mandate Act during the first week of this Congress—so it could be brought to the floor today.

As the first bill introduced in the Senate this year, S. 1 is truly landmark legislation, that begins a fundamental shift in the basic attitude of the Congress toward our cities, counties, and States. In doing so, it will help serve as a bulwark for our system of federalism. It ensures a recognition that State and local governments are not simply subunits of the Federal Government.

Under this legislation, we are acknowledging for the first time, in a meaningful way, that there must be limits on the Federal Government's propensity to impose costly mandates on other levels of government.

As the representatives of those governments have very effectively demonstrated, this is a real problem. Cities, for example, generally are fortunate if they have adequate resources just to meet their own local responsibilities. Unfunded Federal mandates have put a real strain on those resources. This has been the practice of the Federal Government for the past several decades, but in recent years it has mushroomed into an intolerable burden.

This has been due, at least in part, to the Federal Government's own budget crisis. In the past, if Congress felt that a particular problem warranted a national solution, it would often fund that solution with Federal dollars. Mandates imposed on State and local governments could frequently be offset with generous Federal grants.

But the Federal Government no longer has the money to fund the governmental actions it wishes to see accomplished throughout the country. In fact, it hasn't had the money to do this for many years. Instead, it borrowed for a long time, to cover those costs. But now the Federal deficit is so large, that the only alternative left for imposing so-called national solutions is to impose unfunded mandates.

In other words, the Federal Government has increasingly enacted requirements on State and local governments, mandating that they spend their own money on priorities set in Washington. Without some mechanism to restrain this practice, it would likely continue for years to come.

The State legislators and Governors know this. This is why they feel so strongly that legislation regarding this practice must first be in place, before they are asked to ratify a balanced budget amendment. Otherwise, in the drive to achieve a balance Federal budget, Congress might be tempted to mandate that State and local governments shall pick up many of the costs that were formerly Federal. This is why any effort to add a sunset provision to this bill ought to be opposed. Our commitment to protect federalism ought to be permanent.

S. 1 is designed to put in place just such a mechanism. In this regard, it may truly be called balanced legislation. First of all, it helps bring our system of federalism back into balance, by serving as a check against the easy imposition of unfunded mandates. And second, it does so in a way that strikes a balance between restraining the growth of mandates and recognizing that there may be legitimate exceptions.

The legislation sets up a presumption that before Congress imposes any significant new costs on State and local governments, it must first know how much those costs will be, and then it must fully fund that amount. If it does not do so, then the legislation is subject to a point of order. However, if the Senate decides, in a particular instance, that either requirement is infeasible or inappropriate, it can vote to waive the point of order against the bill. The mandate can also provide for a ''less money, less mandate'' option to outright repeal, in case sufficient funding is not later forthcoming from the Federal Government.

The provisions of this bill, in other words, are both firm and flexible—recognizing the complexity of the issues involved. They clearly indicate our general intention that Congress refrain from further imposition of unfunded costs on State and local governments. They are also an excellent reason why we ought not add further categories to the exclusions section of the bill. We already provide that certain type of laws are outside the scope of the legislation's requirements, such as those protecting civil rights. It is in the opportunity to seek a waiver of the point of order that any further exceptions ought to be made. In this way, we can judge each item on its own merits, case by case.

I also want to point out that S. 1 does contain provisions requiring that there be cost estimates for mandates imposed by Congress on the private sector. I am aware that there has been some concern expressed that this does not go far enough—that it does not fully address the problems faced by businesses in complying with costly or unreasonable legislative and regulatory mandates. I certainly agree that there is a problem, which is why in less than a month I have scheduled the first in a series of hearings to develop legislation that addresses those issues directly and thoroughly. The problems ought to be dealt with comprehensively, and not piecemeal. I hope that

my colleagues will refrain from the temptation to try to exercise all of Governmental Affairs' broad jurisdiction in just one bill.

Mr. President, S. 1 is before us because State and local government officials across the country have made it their top Federal legislative priority. Mayors, Governors, county officials, and others have pleaded that we quit spending money out of their treasuries. They are all to be commended for the effectiveness with which they have made their case, and with which they have helped develop this legislation. I urge my colleagues not to lose sight of this legislation's purpose, in offering amendments.

In addition to the State and local officials I noted, I particularly want to acknowledge the active involvement of two legislators from my own State of Delaware. Senator Bob Connor was very involved with this issue as president of the National Conference of State Legislatures. Representative David Ennis, of the Delaware House of Representatives, testified at the Governmental Affairs Committee's first hearing on unfunded mandates. I want to state my personal appreciation to both, in bringing the seriousness of this problem to our attention.

I think we all know that it was Senator KEMPTHORNE who has championed this issue in the Congress. He is truly the father of S. 1, having labored long and hard to get us this far. He has been persistent and unstinting in his efforts to see an effective bill developed, while being fair and reasonable in his negotiations with interested parties on all sides. I am sure that my colleagues on the other side of the aisle will acknowledge this fact. And he has marshaled an extensive list of cosponsors, both Republican and Democrat, behind this bill. In this, he has been the model of an effective legislator.

It must also be noted that Senator GLENN, along with the Senator from Idaho, has been a major force behind the development of this landmark bill. In 1993, as the then-chairman of the Governmental Affairs Committee, he held the first hearings on unfunded Federal mandates. Last year he led an extensive effort to ensure that we brought to the floor a meaningful solution. The Senator from Ohio has shown repeatedly over the last year that he recognizes that the problem is real. He has been diligent in his efforts to develop effective legislation.

It has been my great pleasure to have worked with my colleagues, Senator KEMPTHORNE and Senator GLENN, along with the representatives of the various State and local government organizations, to bring forth this major reform of our Federal system. I also want to express my appreciation to the majority leader, who saw the great importance of this issue and gave this bill the number S. 1. In doing so, he has underscored how vital it is that we preserve and protect our cherished system of federalism.

In conclusion, S. 1 does not prohibit the enactment of any Federal mandate. It does not fund any Federal mandate. It does not create any Federal mandate. What it does do is to establish accountability in the Congress. What it does do is to foster informed decisionmaking in this body. What it creates is a process—and an attitude. It revives a long-lost respect for our federal system of Government. It is about time.

Mr. President, I urge my colleagues to give this bill their strong and enthusiastic support.

Mr. President, I yield back the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I want to associate myself with the remarks by the very distinguished Senator from West Virginia [Mr. BYRD] with respect to the haste with which we are being asked to consider S. 1, the Unfunded Mandate Reform Act.

I fully agree that this is very important legislation. Several communities in my own State have indicated an interest in it. I may well decide to support it when it comes to a final vote.

But I am aware that there are a number of issues—many of them dealing with quantitative impacts and budgetary consequences—that need to be discussed and clarified. And we in the minority have not just a right but an obligation to make sure that these questions are appropriately considered.

So I certainly agree that the Budget Committee, which had shared jurisdiction on this legislation, owes us a full report in the usual course and form, before we should proceed with any votes on the bill. And I urge the leadership to schedule action accordingly.

I yield the floor.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, I rise today to first of all congratulate and commend the Senator from Idaho for his leadership in bringing this very important legislation to the floor of the Senate and the Senator GLENN for being a leader on this issue as well.

Mr. President, I also rise today to join the U.S. Conference of Mayors, the National Association of Cities, the National Association of Counties, the National League of Cities, the National Governors Association, the National Conference of State Legislatures, and countless State and local governments in support of S. 1, a bill curbing the imposition of unfunded Federal mandates.

I have consistently fought to return accountability to the Federal Government and fiscal priority-setting and decisionmaking to the levels of Government closest to the people. In the 102d Congress, I introduce the first bill that would have banned all future unfunded Federal mandates. I reintroduced this bill in the 103d Congress, and have now offered it here—in the Senate—as S. 139.

My first preference is for this sort of legislation, that eliminates all unfunded mandates, of any kind. But I recognize the importance of moving forward on this important legislation, and taking steps necessary to curb and ultimately eliminate unfunded Federal mandates.

This is why I am particularly pleased that the majority leader has made this legislation to curb unfunded mandates a priority in the 104th Congress. As one of the first pieces of legislation we will consider, we have an outstanding opportunity to enact this legislation into law and ensure more fairness for State and local governments in the future.

Moreover, as a new member of the Senate Budget Committee, I will work closely with my colleagues on the committee, including the distinguished Senator from New Mexico, to ensure that laws requiring State and local spending are paid for. Our relationship with State and local governments must be built on trust, and this legislation will help us to build on a foundation of that trust.

During my 5½ years as a State legislator, and 16 years as a Member of Congress, I have seen the burden of unfunded Federal mandates. For 8 years, I watched as my husband, as Governor of Maine, worked to balance a State budget in the face of declining Federal support. Yet Maine saw fit to do the right thing, the honest step for our citizens. We banned unfunded mandates.

Maine's motto, Mr. President, is Dirigo, which means ''I lead.'' And we took a crucial leadership step in the debate on unfunded mandates. Maine has eliminated unfunded mandates from State government onto county and local governments. State government—albeit belatedly—is regaining the trust of local governments. And the partnership between governments is beginning to work again.

Perhaps that is why I prefer to simply ban unfunded mandates. My philosophy is simple: ''No money, No mandate.''

Unfortunately, the trend has been just the opposite. As budgets have grown tight and spending became more and more an issue, Congress and the Federal Government have relied increasingly on mandates that pass costs along to local and State governments. The Advisory Commission on Intergovernmental Relations recently conducted a study of Federal statutes that created explicit mandates. The study found that from 1941 to 1960, no laws were enacted with unfunded but mandated costs on local governments.

From 1960 to 1969, nine laws were enacted with unfunded mandates. From 1970 to 1979, 25 unfunded mandates were created. And in the 1980's, 27 of these mandates were created. And the cost of these rose even more. A Federal Funds Information Service study shows that between 1981 and 1990, Federal discretionary funding for programs rose from

$47.5 to $51.6 billion. After making adjustments for inflation, however, this results in a decrease of 28 percent in funding for local and State governments—despite our mandates.

Mr. President, during debate of congressional reform legislation this past week, we have talked a great deal about the need for change and about changing the status quo. I believe that is exactly what the American people want us to do.

While we have already adopted legislation to make Congress accountable to the laws it passes onto the American people—we must now make Congress a more responsible institution.

One of the most important components of our mission of change is to restore the faith and trust that once existed between the Federal Government and States and local governments and to reestablish an institutional partnership.

In my view—and in the view of the vast majority of the American people and State legislators—the key to restoring that faith and trust is passing legislation prohibiting unfunded Federal mandates, and giving State and local governments a voice in regulatory development.

Mr. President, what better way to show the American people that we can not only act quickly to change the fiscal status quo, but to show them that we can do so in a bipartisan manner that brings together elected officials from both parties, from all levels of government, and from the smallest town mayors to the biggest State Governors?

While the concept of accountability and responsibility has always been clear to the American people, the Federal Government has denied one simple fact throughout the recent history of unfunded mandates: unfunded Federal mandates are nothing less than a hidden Federal tax. And every one of us is paying the price for this lack of responsibility and lack of accountability.

Mr. President, it is time for us to stop the seemingly endless burden of unfunded mandates on State and local governments. In order for Government to work, we must uphold a trust with governments at other levels. We should work cooperatively to identify policies that will offer solutions to problems; to pass laws that implement those policies; to offer funding support for those policies we deem most important. We have already opted to terminate the general revenue sharing, which gave State and local governments a stake in tax structure. The General Revenue Sharing Program was terminated in 1986, saving $4.5 billion annually.

And, just as top-down management rarely leads to a dynamic and responsive work force—regulations drafted in isolation and sanitized in the Washington beltway rarely address the unique and ever-changing circumstances of State and local governments.

That is the spirit of S. 1, the Federal Mandate Accountability and Reform Act of 1995. This legislation will go far in restoring the faith, trust, and partnership that should exist between the Federal Government and States and municipalities. It will also demonstrate our willingness to change the fiscal status quo and make the legislative process more responsible as well as more accountable. This legislation is not only timely, but reasonable and necessary as well. Above all, it is absolutely vital to the economic survival and financial stability of our State and local governments. The passage of S. 1 can and will alter the course of our country, allowing us to meet our true priorities and address the needs of our taxpayers, families, and workers at the State and grassroots level.

At last year's annual meeting of the U.S. Conference of Mayors, its 200 members passed a resolution stating that, ''the increase in * * * mandates to cities is having a profound adverse financial impact on America's cities. That resolution may explain why S. 1 has the support of a majority of U.S. Senators from both parties in this Chamber, as well as the consideration of the President of the United States, who, as a former Governor, knows first hand the damage done by unfunded mandates passed on year after year. And, today, it is worthwhile to note that the Senate majority leader has kept a pledge he made to the Nation's Governors at a recent meeting in Williamsburg, VA. It is a tribute to Mr. DOLE'S leadership, resolve and vision that we are considering legislation to bring a stop to unfunded Federal mandates so early in the 104th Congress.

Every year, Congress passes laws telling local and State governments what to do, and then refuses to give them the funds necessary to enforce the regulations. It is far too easy to pass a bill with ambitious and worthy goals and forget that the legislation comes with a price. Perhaps in Washington, with our bottomless bank account, we can say ''a million here, a million there—pretty soon, we're talking real money.'' Well, in my home State of Maine, there is no bottomless bank account. Every program, every goal and every project is paid for with real money.

This is an appalling arrogance of Government, Mr. President.

Year after year, we abdicate an enormous responsibility that we have been entrusted with by the people who elected us, and we simply return the favor by placing the burden squarely on the shoulders of States, counties, and small towns. Congress assumes that since it doesn't have to balance its budget, it can simply pass along the cost of legislation to State and local governments—most of which are required to balance their budgets each year. As my colleague from Idaho stated recently, ''unlike Washington, most cities just can't print money when they're in a bind.''

And make no mistake about it—when we adbictate this repsonsiblity, we may as well send a tax bill directly to each American family. It is they who pay the price for our inaction on unfunded mandates.

That price, that cost, is growing larger and larger each year. The facts paint a grim picture. According to the U.S. Conference of Mayors, the Federal Government imposed only 17 cost-bearing regulations on cities and States between 1960 and 1985. Only a few years later, however, the Federal Government found its financial escape hatch: from 1982 to 1992, the Federal Government mandates 88 such regulations in the area of toxic management alone. The Congressional Budget Office estimates that the cost to State and local governments of unfunded mandates enacted in this period exceeded $200 million each.

The cost of unfunded mandates, a figure which I am sure will be repeated many times on the floor of this Chamber today, amounts to $430 billion each year. Half a trillion dollars—and I assure you that is no typo.

There was a time when Federal mandates were imposed on State and local governments, and funding were provided through block grants and revenue sharing programs. Funding for the programs ceased in the 1980's, even as Federal aid to State and local governments sharply declined. In fact, over the last 15 years, the Federal contribution to State and local governments has actually shrunk—from 18.6 percent in 1979, to about 14.3 percent in 1991—the last year data was available—and that even includes a recent upswing. Adding insult to injury, one hundred new mandates were forced on States during the same decade.

This decrease isn't small change, either. This is precisely what unfunded mandates cost the American economy and American taxpayers every single year—a figure that represents almost 2½ times the size of our national budget deficit. About $231 billion each year in Federal aid now goes to State and local governments—unfunded mandates amounts to almost twice what the Federal Government gives back to States and localities. With figures like that, it's no wonder the American people still feel that our economy is on the wrong track.

The Congressional Budget Office has estimated that the cumulative cost of new Federal regulations imposed on State and local governments between 1983 and 1990 exceeded $8.9 billion. And according to the Vice President's National Performance Review, environmental mandates alone are expected to increase by an estimated $44 billion by the year 2000, when adjusted for inflation.

A 1990 study by the U.S. Environmental Protection Agency titled ''Environmental Interests: The Cost of a Clean Environment'' estimated the annual costs of environmental mandates will increase from $22.2 billion in 1987 to $37.1 billion in the year 2000. That's an increase of 67 percent in costs—

costs that State and local governments are powerless to control.

Price Waterhouse concluded in November 1993 that unfunded mandates will cost local governments $90 billion over the next 5 years. Cities will pay $6.5 billion this year and $54 billion over the next 5 years. These same cities report that Federal mandates consume an average of 11.7 percent of locally raised funds. America's counties fare no better. They will pay $4.8 billion this year and $33.7 billion over the next 5 years, even as 12.3 percent of their revenues are absorbed by mandates. The study also showed that, since 1960, Congress has enacted 42 major statutes that impose new regulations and requirements on States. This is nearly equal to all such laws enacted during the previous two decades combined.

The harsh truth is that my home State of Maine has paid dearly for this avalanche of unfunded mandates. The Maine State government estimates that Federal unfunded mandates will cost Maine $234 million in fiscal year 1995. Maine's small cities and towns currently face a combined cost of $1.5 billion in order to meet mandates stemming from the requirements of environmental legislation alone. This amount is more than Maine communities collectively raise in property taxes in an entire year. This figure doesn't even include the cost of mandates relating to labor, Medicaid, voter registration or others passed down by the Feds.

Lewiston, Maine's second-largest city, is my home town. In 1992, my neighbors and I were saddled with $75.87 million in unfunded mandates—all for a city of 40,000 people. This amounts to a burden of $664 per year, per household in Lewiston. In Auburn, city officials estimate that to comply with Federal unfunded environmental mandates alone, the city will be forced to find $2 million.

Bangor, which is the hometown of Maine's distinguished senior Senator, BILL COHEN, city efforts to comply with clean water requirements on the sewer system will cost $22 million. Bangor's sewer fees have increased 10 percent every 6 months for the past 5 years, while the same rate of increase is expected for the next 4 years.

Finally, in Maine's capital city of Augusta, implementation of new sewage treatment requirements would raise the average yearly user charge by more than $1,500 per year over a 30-year period and ensure that the next generation will be faced with the same crisis as ours. And we cannot ignore the fact that many of my State's small towns have local tax caps which make it difficult—if not impossible—to raise the revenue needed to comply with these mandates.

What this has meant for these cities and towns is a curtailing or even elimination of vital local service programs. Unfunded mandates have forced local budget planners like Bob Mulready in Lewiston to choose between meeting the bottom line of unfunded mandates and meeting the needs of Lewiston's taxpayers. In Lewiston, this has caused cutbacks in such services as fire protection resources, the local police force, and it has forced the abandonment of plans to minimize property tax increases.

Are unfunded mandates important? They are so important that taxpayers everywhere—at the State, county, and local levels have declared an annual National Unfunded Mandates Day to draw attention to the problem of these unfunded mandates. But the problem has become so large that Dana Lee—the town manager of Mechanic Falls in southern Maine—said in his statement on National Unfunded Mandates Day that every day should be declared unfunded mandates day.

Mechanic Falls residents will face numerous mandates in the coming years, including the requirement for sand and salt shed replacement—the removal of underground tanks. All told, the cost of Federal mandates alone will total $300,000 for this small town—an alarming cost for taxpayers, and a cost that eats in to the other vital services that communities and States provide, from local law enforcement protection to job creation and infrastructure investments.

Clearly, the grassroots of America are crying foul over Washington's practices, and they're crying out for our help. They understand full well what is at stake here. It's high time for Congress to get with the program and stop bankrupting our Nation's cities, counties, and States.

Yet Congress continues to speed toward more and more unfunded mandates—many of them worthy programs, but programs that are unaffordable for an already bankrupt Federal Government, and unaffordable to State and local governments, either in the red or on the brink. Regardless of how worthy or well-intentioned a mandate is, someone needs to pay for it—and that someone has rarely been the Federal Government.

It's been said, in fact, that the road to bad legislation is paved with good intentions. If this is true, Mr. President, then the National Motor-Voter Registration Act just built a new interstate highway in Maine. You see, in rural Maine—which comprises more than three-quarters of the State—town clerks frequently sit adjacent to the general assistance officer—sometimes, in fact, the town clerk is in charge of general assistance. It would make sense that someone applying for general or welfare assistance would be advised to walk the additional 20 or 30 steps to reach the clerk's office to register to vote. But that would be too easy.

Instead, motor-voter has been interpreted to mean that the general assistance office must offer voter registration each and every time GA eligibility is determined—which is at least every 30 days, in Maine—and file a report on why the individual did or did not register. As a result, the general assistance office is required to complete a blizzard of voter registration paperwork on a continuous basis, and at greater cost, all while voter registration in person is just a few steps away.

Good intentions. Bad legislation.

That is why the legislation before us today is a major step forward. S. 1 is similar to the bill that gained wide, bipartisan support in this Chamber last year—one that simply said "If Congress is willing to pass the bill, it can no longer pass the buck." It stems from the simple logic that, if Congress believes Federal legislation is important enough to place mandates on States and communities, then the Federal Government has a responsibility and obligation to pay for them as well.

Not only does this legislation seek to control the proliferation of unfunded mandates, but it also gives State and local governments a voice in the regulatory process. Too often, agencies in Washington draft regulations with little or no input from the communities and regions affected by the rules. This bill will give State and local governments a voice in Washington and a voice in their own future.

S. 1 will link together good intentions with good deeds, so that the Government actually pays for its mandates—and upholds its trust with the State and local governments on which it relies to implement these programs.

But let me close, Mr. President, by saying that I believe many of the mandates passed by the Federal Government do serve useful and important environmental, health and safety purposes. I am not arguing that these important laws be banned. But I do even more firmly believe that if Congress considers a mandate important enough to pass onto State and local governments, then it surely must be important enough for the Federal Government to provide accompanying funds. We simply cannot continue to pass new laws and expect State and local governments to pick up the entire tab.

I know Mainers deserve better. My colleagues know that America deserves better. That's why I believe that if the Federal Government is willing to pass the buck, the Federal Government must be willing to foot the bill. I urge all my colleagues on both sides of the aisle to support this critical and historic bill.

S. 1 does not undo the damage already done to State and local budgets. But it does take Congress in the right direction. State and local governments only ask that we allow them to prioritize spending in response to actual needs, and in conjunction with the tight fiscal restraints they face. I do not believe that they are asking too much.

Thank you, Mr. President. I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER (Mr. HELMS). The Senator from New Hampshire.

Mr. GREGG. Mr. President, I would try also to support this legislation.

I wish to congratulate the Senator from Idaho and the Senator from Ohio in moving this bill forward in such a prompt and expeditious manner. I also wish to congratulate the Senator from Delaware and the Senator from New Mexico who chaired the committees which have jurisdiction for their willingness to move this bill in an expeditious manner. I especially, as I mentioned, wish to applaud the Senator from Idaho [Mr. KEMPTHORNE], who has made this a cause of inordinate proportions in his daily activities here since being elected 2 years ago by his friends and neighbors from Idaho. They have been extraordinarily well served by his efforts.

This is S. 1. It is the No. 1 piece of legislation which this Congress is going to take up, that the Senate will take up in this year. The reason it is S. 1 is because of the significance of the legislation.

But the reason that it is here is because of the dogged and unwavering commitment of Senator KEMPTHORNE to making sure that we pay attention to this critical issue. I have had the pleasure of working with Senator KEMPTHORNE on this matter over the last 2 years. We both happened to come to the Senate at the same time, and both making this a high priority. I admire his efforts and congratulate him for them.

On my own part, I strongly endorse the nature of this bill. First, because it addresses the issue; and second, because it has such strong bipartisan support. Especially the support of the Senator from Ohio has been critical in that area.

During the last 2 years we have raised this issue on a number of occasions on this floor and talked about the issue of unfunded mandates in considerable depth. During the taking up of the bill Goals 2000, and during the Elementary and Secondary Education Act reauthorization, we were able to put into both of those pieces of legislation very aggressive unfunded mandates language. For the first time in the history of this body we actually had language which specifically banned unfunded mandates in legislation that was passed by both Houses and signed by the President in those two pieces of legislation.

In addition, we have debated this issue on a number of amendments that have been brought forward over the last 2 years. I recall one amendment I offered, called No Funds/No Fine, dealing with the issue of unfunded mandates.

The matter has come to our attention on a number of occasions, and on each occasion the Senator from Ohio and the Senator from Idaho have aggressively committed themselves to trying to look at the problem in an overall way and develop a procedure where we could address unfunded mandates in a more systematic way rather than in a haphazard way, and by developing this bill they accomplish that.

The passage of this bill will put the brakes on what has been a rather insidious process of legislating over the last 15 to 20 years by the Federal Government. It has been talked about at length here but it is worth mentioning again. What unfunded mandates are is, essentially, a decision by one legislative body to take the credit for passing a law and to get the political goodwill for passing legislation that sounds good and accomplishes worthwhile goals. But that same legislative body does not have the courage to step forward and pay for them and make the difficult decisions of raising the revenues to undertake the costs that are incurred by generating that legislative directive. Rather, they pass that cost down on to a lower level of government and thus skew the capacity of that lower level of government to manage its own business of administering the issues to come before it.

I have had a bit of a personal experience in this because prior to serving here in the Senate I did have the great honor of serving as Governor of my State. Certainly, the problems which we confronted of unfunded mandates were staggering, not only staggering at the State level but staggering at the communities' level. In innumerable instances at the State level and at the communities' level, there would be occasions when dollars which we felt should be intended in one way would have to be allocated in another way as a result of a Federal mandate.

And, thus, we were unable to manage effectively the dollars which we were raising under our category of responsibility, whether it was at a State level or at a community level.

In the past, the Congress has passed approximately 20 laws which have fallen into this category and which have contained unfunded mandates, and it is not a practice which has abated all that much over the years. In fact, just in the last session of Congress, unfortunately, we passed the motor voter bill, which is a significant unfunded mandate and a tremendous burden to many of the small communities in my State.

It is not fair, it is not right, it is not appropriate if one group of legislators passes a law and does not have the courage to pay for the expenditures which that law generates.

In a small community which has as its basic form of revenue generation the real estate tax, there is a tremendous demand for the allocation of those dollars among the school systems, among the fire prevention departments, among the police and public safety departments. And yet in many, many instances, that local tax dollar, the real estate tax dollar, has to be spent first on a project which has been defined not by the local town council or select persons or city government, but by us here in Washington. And that is not right.

We have huge revenue sources at the Federal level. We have the capacity to level a national income tax, which we do with, unfortunately, excessive aggressiveness. We have innumerable other revenue sources at the Federal level. Certainly, it is not right for us to invade the revenue sources of our communities and invade the revenue sources of our States to pay for the programs which we deem appropriate at the Federal level.

Those programs should be paid for with revenues from the Federal level through our own decision on what is right and what is not right in our own setting of priorities.

We estimated, when I was Governor, that it cost us approximately $150 million a year to pay for unfunded mandates in our State at the State level. But in the communities, that is where it really impacted, in the small communities—for example, Groton, NH, population 318. In Groton, a Federal mandate became simply too expensive to meet. The town now pays to truck their trash over 50 miles away. They must also install groundwater monitoring wells for annual testing. Over the next 30 years, and with no factories or stores in this town, all the cost of that Federal mandate has to be borne by 318 citizens.

They did not ask for that cost and, to be quite honest with you, I think the people of Groton are probably responsible enough so they could have accomplished the goals of that piece of legislation without having to have borne that cost.

The city of Nashua, the second largest city in the State of New Hampshire, has 80,000 people in it. Nashua's estimates are that mandates cost them literally millions of dollars. Their combined sewer overflow charge is somewhere between $40 and $100 million.

The Solid Waste Disposal Act mandates cost them $1 million.

The Wetlands Act mandated costs of approximately $65,000.

The Americans With Disabilities Act mandated costs of approximately $80,000.

The Underground Storage Tank Act generated costs of $36,000.

The Clean Air Act responsibilities generated costs of approximately $35,000.

And by 1997, the solid waste disposal mandates will cost the city of Nashua approximately $6 million.

There are literally millions and millions of dollars going out of the local real estate tax base to pursue activities which, I am sure, the city of Nashua intends to pursue but which it would rather be able to do without a Federal mandate telling it how and where to spend the money.

Another example is a moderate-sized town in New Hampshire, Meredith, NH. In Meredith, the town will have to spend millions of dollars to install catch basins in the road. The town will

have to spend $500,000 to $1 million to put a cap on its landfill, which it was forced in close in 1987. The town, on top of that, has to pay an additional $150,000 to take away its waste. The list goes on and on.

In the town of Lancaster, for example, the town manager relates that the town of Lancaster raises approximately $1.4 million in revenues each year. Complying with the safe drinking water requirements alone will cost it $2 million more than it raises in revenues each year, reflecting the desperate situation that many of these towns are confronting. She writes:

> There is no way the town can keep up with that sort of cost.

So this bill comes to us as an effort by Senator KEMPTHORNE and the many folks who have been joining him in this undertaking to make the Congress act responsibly in this area.

It should be pointed out that this does not ban unfunded mandates. It simply requires, if there is going to be an unfunded mandate, that the U.S. Congress must step forward and say that that is what it is doing and Members of the Congress must put themselves on record that that is what is going to happen.

That is important, because I know when I am in New Hampshire, I hear the concerns about this issue all the time. No matter where I go or what group I am meeting with, inevitably the issue of unfunded mandates comes up.

Now there will be accountability, full disclosure: Who in this body is voting for unfunded mandates, who is not voting for unfunded mandates. And the people have the opportunity at the ballot box to express their views as to those Members of the Senate who make decisions to continue to promote the unfunded mandate approach to Government and to setting requirements on local communities.

That disclosure, I think, will have a significant impact on the process. I believe that it will cause us to look very hard as a body before we make the decision to go forward with any additional unfunded mandates.

It is also a significant piece of legislation because it represents a fundamental shift in philosophy of this Government. There has been a lot of discussion over the last few weeks and months as to what the historic significance is of the fact for the first time in 40 years, the other body has changed control. This bill reflects what that historic significance is.

This bill points out that the American people have asked us to act responsibly and that we are going to try to comply with that. It is a bill which inherently, in its function, works to lessen the size of the Federal Government, control its rate of growth, and put brakes on the manner in which we expand our Federal role in oversight in the areas that have traditionally been reserved to States and local communities. That is a fundamental shift.

For 40 years, and especially over the last 20 years, this Government has expanded radically. It has viewed with almost indifference the concept of separation of power, the concept of States rights, the fact that communities have an inherent right to govern themselves over certain aspects of their daily management of affairs, that States have an inherent right to govern themselves over certain aspects of managing their local affairs, and that the Federal Government has a role which is separate from and different from the responsibilities of States and of communities.

For the last 40 years, we have seen the Federal Government step with impunity into the role of the States and into the role of the communities; and not only step into that role, but in stepping into that role, doing it in a manner where it did not even have the self-respect or self-consideration to be willing to pay for the costs which we were putting on the States and on the towns.

With this bill, that philosophy of Government is called to account. We are saying, if that is going to occur, there must be disclosure. If this Congress is going to step forward and try to take over the authority which has traditionally been vested in a State or a community, and not pay for the cost of taking over that authority, if this Congress is going to step forward and try to demand action on the part of a private sector and not pay for the costs of that action, then there will have to at least be a vote which will show who believes that is the right way to go and who does not believe that is the right way to go.

I am very strongly supportive of this bill. It is an excellent piece of legislation. And again I wish to congratulate the managers of this legislation for having brought it forward at this time. I do hope the delays we are seeing right now in the process of moving the bill into the amendment process can be overcome because this is too critical a piece of legislation to be tied up in that sort of parliamentary and procedural minutia.

This piece of legislation has been awaited for too long by the Governors, by the mayors, by the State legislators, by county officials, and by citizens who pay the real estate taxes throughout our country and the local taxes throughout our country to be tied up in what amounts to a debate over procedural minutia within the terms of the way the Senate manages itself. So I would hope those who are concerned about the issue of how the reports were filed and when the reports were filed and what reports were filed and what reports were not filed would be willing to allow this amending process to go forward so that we could begin the process of relieving the very serious problem of unfunded mandates.

I yield back my time.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The able Senator from Georgia is recognized.

Mr. COVERDELL. Mr. President, as a coauthor, I rise in support of S. 1, and like my good colleague from New Hampshire join in expressing thanks to the Senator from Idaho [Mr. KEMPTHORNE] for the extended, long-standing pursuit of this fundamental change that he proposes along with others in the governance of this Republic.

The good Senator from Idaho comes with a very appropriate background, I might add, to deal with the subject because he is a former mayor of Boise, ID. In my part of the country, we say that is where the rubber hits the road, where you are dealing with the day-to-day issues of managing the citizens' lives of our Nation. And so no one could come with a more personal knowledge of the issue embraced in unfunded mandates.

From my perspective, we are engaged in a debate between two very different fundamental views about this Republic. Are we a Federal republic or are we a central republic? I believe any student of the Constitution of the United States would understand very quickly that, indeed, the forefathers saw us as a Federal republic, and the Constitution very clearly delineates that there are certain powers for the central government but they are limited, and those powers not delineated to the central government are left to the Federal Governments'—the States, the cities, the counties, the school districts.

Interestingly enough, I think the forefathers had it right because I believe they felt decisions made by people who have to look those affected in the eye sometime during the next week are going to be more fair, are going to be more frugal and are going to be more orderly in terms of what the real priorities are.

Mr. President, when I first went to the State senate in Georgia quite a number of years ago, I was confronted with a dilemma whereby contemporary policymakers were making decisions about public pension systems. It was a very unique center of the law. What you had were people who could make very grandiose promises but only future generations would have to pay for the promises.

In a sense, that is what we have here because you have a situation with unfunded mandates where one arm of the Government is making decisions and policy and setting priorities but leaving it up to other policymakers somewhere else to live with the consequences—the costs, the inflexibility, the irrational timetables. It is a mayor like the Senator used to be, it is a county commissioner, it is a principal of a school or a school superintendent that is confronting this rash of legislation coming from the central government with no real knowledge of the circumstances or priorities in that local community.

Now, Mr. President, if the distinguished Senator from Idaho will allow—I am sure he will—I would like to use a contemporary example of an unfunded mandate to explain this dilemma. On the first day of the session, I introduced legislation that would take an unfunded mandate of the 103d Congress, the most recent, and amend the legislation in such a way that unless the Federal Government pays for it, it is not in effect. The proposal is the motor-voter bill. The good Senator from New Hampshire alluded to it.

In the 103d Congress, we passed legislation that rewrites the manner in which people are registered to vote in every one of the 50 States. We changed where you can register, how you can register, whether it would be by mail or not, the computer information that has to be maintained, the integrity of the system.

Mr. President, I would suggest circumstances in Alaska about how you register people to vote, or a rural State, are very different from citizens who may live in one of our urban States or States where proximity to where you live and the county courthouse are very near. But, no, Washington in its eminent judgment decided that it more than the local policymakers, more than the Governors, more than the mayors, knew better how to meet the registration process in each State.

Now, first, going back to my point that this is a debate between those who believe in a total central government management and those who believe in the Federal Government, first I would say that this central government, this Senate, this House did not have the authority under the Constitution to impose this policy; that that authority was left to the several States, and correctly so.

Second, Mr. President, because we did not have legislation such as the Senator from Idaho has offered, no one had an idea as to what this was going to cost the good citizens of Georgia, North Carolina, Idaho, and Alaska.

We did not know what the impact would be. I guess we did not care because the consequences had to be borne by someone else, not us.

Now we are a year later. In my State, the first year's bill is $6.5 million. In California it is over $30 million. In Illinois it is over $30 million.

It does not end there because this is a process that goes on year in and year out. So, in my State it would cost $2 to $3 million a year, or by the end of the decade, approaching $30 million.

Mr. President, I do not have to tell you that is a lot of money. What we have ended up doing is, over a decade, spending about $½ billion of somebody else's money. It is interesting. The Federal Government has spent every dime it has, $5 trillion that it does not have, and now it is in the business of appropriating the property tax base of America; ordering other governments to put the thumb on people who own a home or a business or a farm. In fact, these unfunded mandates, like the one I am discussing, currently consume about 30 percent of the property tax bill of every citizen in America. As they come to understand this, they will rise up. They will rise up. And that is why it is so important, in terms of protecting the integrity of this institution, and the Federal Government, that we bring some order to this process of unfunded mandates.

I have said it is a debate between those who would have the Federal Government manage everything and those who believe that local government is more equipped to deal with priority-setting. I have used this motor-voter as an example of the folly we have been engaged in here. We passed a bill meddling in affairs in which we should not, nor had the authority to do so. We did not know what it would cost. We are now finding that it costs millions upon millions of dollars that we are unwilling to pay; it is not a high enough priority for us. But we are ordering that it should be a priority for somebody else.

Now we come to the third point I would like to make, Mr. President. For what? For what would we override the constitutional division of powers? For what would we exact this horrendous bill on all the citizens across our land?

Mr. President: For nothing. Nothing is being accomplished except turmoil and expense, as with so many of our ideas that we seem to generate in this capital city. Take the States of North and South Dakota. One has a provision that is virtually the same as this motor-voter. That was their choice, which is appropriate. The other State has a version that is more like my State. Is there any difference in the voter turnout between the two? No. Not a bit. Of the 10 States that have been studied, that have implemented on their own—again, appropriately—some of the provisions, 7 of the 10 have lower turnout of voters since they have implemented the changes.

I do not know about my colleagues, but I do not believe I have ever received a letter requesting that all the registration processes across the land be changed. I have not seen any pickets around the Nation's Capitol, no public outcry, no demand. It is not a burning issue that has commanded the elections of 1994 and 1992. It was never mentioned. Yet we would impose these millions of dollars of costs, because, I guess someone, some special interest group huddled somewhere in this city thinks it will somehow improve the lot and life of the citizens of this great country.

I can think of no better example than this particular measure to describe what the bill of the Senator from Idaho is designed to stop. It is designed to slow down the train. It is designed to make us more knowledgeable about what the consequences of these actions are. I cannot imagine any businessperson in our country trying to make some plan for some new program and be blind to what it was going to cost his or her company. The unfunded mandate bill makes it possible for us to understand. If we had it, we would have known the folly of this motor-voter thing we dealt with in the last Congress. We would have known it. And I suggest we would not have passed it. Because there is no one here who would want to go home and say we spent millions of your dollars on this concept.

Mr. President, when I first came to the Senate, very shortly thereafter I came to understand that we were in a very serious confrontation between two groups of people who have very different ideas about how this country is going to be governed as we move to the new century. One group thinks that for this country to be managed properly and fairly and efficiently, every decision about everything we do has to be made here; somehow that this is a magnet for knowledge. We know better than that local mayor. We know better than the local county commissioner or Governor. We have all the right answers here.

Then there is another group represented here who believe, as I said earlier, that the Forefathers were correct when they empowered the local citizen, the local family, and community leadership. And that is what this debate is about right here. That is what this is about. Are we going to continue to usurp the power from local government and manage everything from Washington? If you are for that, you do not want to vote for this bill, if that is what you believe. If you believe all these decisions have to be made up here, we have to tell them how to protect their environment, what is a wetland, how to register somebody to vote, what doctor they can see or cannot see, then you are not for this bill.

But, on the other hand, if you do believe in the immense capacity of the people of this country to govern themselves, to make correct decisions about what is right for their communities, to be able to sort out whether it is more important to build a new wing on the school or to spend money getting new computers so that you can do what we have said is the right way to register people to vote, if you believe they can make that decision better than we, then you are for this proposal, you are for what the Senator from Idaho is endeavoring to do.

I can tell you where the American people are. The American people want us to back off from being a force intervening in their local decisions. They expect us to protect the land. They expect us to deal with the broad national policy, monetary policy, broad national tax policy. But they do not want us to manage every corner and every stop sign and the manner in which they register to vote in their State and in their community. They want us to stop doing that. In fact, I would say that on November 8 they said: Look, you folks in Washington, you start downsizing that Federal Government because we

are having to do that out here in Main Street America. And you get the economic pressure off our back. We are tired of working from January to June for a Government before we can keep the first dime for ourselves, and you quit pushing us around, which is what this is all about.

The only thing I would say in regard to the procedure, I think everybody here should have an appropriate opportunity to be heard and seen on this measure. But if procedural, parliamentary maneuvers are used to delay the passage or prohibit the passage of this, it can only be concluded that that effort is designed to keep the ability of the Federal Government to impose mandates and costs on local government.

The American people will see through this debate. The bottom line will be, are you for moving the Federal Government back a bit? Do not impose these costs on us locally. Or are you for it? You want more Federal Government intervention. This bill is right at the heart of that question, pure and simple.

Mr. President, I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Thank you, Mr. President.

Mr. President, I rise in support of S. 1. I was one of the sponsors of the legislation in the previous Congress. I am delighted that the leadership has chosen to make this a top priority in this Congress because I think it is a fundamental reform issue that many people in the United States have overlooked.

When I first decided to run for the Senate, I discovered somewhat to my dismay that my name recognition around the State was about 3 percent with a 4-percent margin of error in the poll. In other words, in spite of all the work that I thought I had been doing in the public eye and in the public service, governmental work and so on, and being the son of a Senator and thinking that everyone would know who I was, I discovered no one knew who I was.

So I set out to try to widen my net of acquaintances and, at the same time, my understanding of what would be involved if I should be elected. I instructed my campaign staff therefore to set up appointments with me for all of the mayors that would see me. I thought if I at least got the mayors of the small towns around Utah, and the larger towns, to say, ''This fellow BENNETT came in to see me and talked about running for the Senate,'' that that would be a beginning of a network of conversation. I have always felt that word of mouth is the best kind of advertising, and at this point in the campaign, that is what I needed.

I remember very well the first mayor that I went to see. He looked at me as if I were a little bit strange for being in his office. And he said, ''Why are you here?'' I said, ''I am going to run for the Senate.'' He repeated the question. ''Why are you here?'' I said, ''Well, Mr. Mayor, if I should be successful this quest, I have a feeling that you are the closest to the people and you are in the position to tell me what I should be doing in Washington. So I am here to ask you what it is you would say to a U.S. Senator if you had one in this kind of one-on-one circumstance as part of my education to be here.'' I was disingenuous enough that I did not disclose the campaign purpose of my being there. I just asked that question directly. The mayor said, ''Well, you know, if I had a U.S. Senator in front of me with his undivided attention, the one thing I would say to him is stop the unfunded mandates.''

Mr. President, I did not have the slightest idea what he was talking about. I had no idea what an unfunded mandate was. So I had to pretend to be a little smarter than I was and draw him out and get him to explain it to me. He explained it to me in these terms. It was very clear. He said, ''This is how an unfunded mandate works.'' He said, ''The Federal Government gives us an order and then does not send us any money to carry it out, which means that we have to raise the taxes to comply with the order. The Federal Government gets the credit for solving the problem and we get the bill. The taxpayer gets mad at us and votes us out of office, and the people in Washington are the ones who did the whole thing.'' I said, ''Well, Mr. Mayor, I thank you very much. I appreciate that. I will certainly do what I can if I am elected to the Senate to deal with unfunded mandates.''

I went on to my next appointment, and sat down with the next mayor and had the same kind of conversation. ''What are you doing here?'' ''Well, I am here to have you tell me something about government.'' He scratched his head and said, ''Well, the most important thing you could do for us if you get to the U.S. Senate is get rid of unfunded mandates.'' I said, ''Mr. Mayor, I've heard that before. I know all about that.''

I went on to the next mayor and the next mayor and the next mayor. Pretty soon, I decided I was going to see how long it was going to take for me to run across a mayor who did not bring up unfunded mandates as his number one issue. You know, Mr. President, I never found one. All the mayors I went to see in that process, and I went to see a lot, without any prompting on my part, just by asking the open-ended question, ''What do you see a Senator being able to do for you,'' every single one of them—Democrats, Republicans, liberals, conservatives, people who would vote for me, people who told me they could not possibly support me—every single one of them spontaneously raised the issue of unfunded mandates.

So when I arrived here in the Senate, I decided I had better try to do something about unfunded mandates. Who is one of my class members in the freshman class of 1992 but a former mayor, this time the mayor of Boise outside of my State. I did not have to have a conversation with him. I knew what his No. 1 priority would be, he having been a mayor. His No. 1 priority was unfunded mandates. We got together as a freshman class. There was the mayor of San Francisco, Senator FEINSTEIN. What was her No. 1 priority? It was unfunded mandates. There was a member of the local government in Chicago, CAROL MOSELEY-BRAUN. What did she have on her mind? Unfunded mandates. There was the former Governor of New Hampshire, JUDD GREGG. What did he talk about? Unfunded mandates.

Well, it was very clear that I did not have anything to add to this debate. These were experts who had worked at the local level, and understood it. And I was very happy to line up behind Senator KEMPTHORNE, the former mayor of Boise, as he brought this zeal to this fight. I commend him, as others have done, for the doggedness with which he has pursued this.

I can tell you, Mr. President, from my experience with the other mayors in my State, I know that if any of them were to be catapulted into the U.S. Senate, they would have had the same doggedness that Senator KEMPTHORNE has displayed—probably not the same skill that he has displayed, because he has done a superb job of hanging onto this issue, keeping it from being diluted, keeping it from being stolen from him, and keeping our focus on it.

So, I share that bit of personal history with you, Mr. President, to make it clear why I am here in support of this bill.

One of the issues that has been raised with respect to this, which in my opinion is a red herring trying to get us off the focus, has been the issue of fairness in terms of the public and private sector, the suggestion that there is something about this bill that would make the public sector more competitive than the private sector.

Mr. President, I have spent most of my career in the private sector. I have bid on government jobs. I have bid against government for particular assignments. I have sold things to the government. I am familiar with the way things go back and forth between the private sector and the public sector.

I can tell you from that personal experience that this issue of competitiveness is indeed a red herring. If a private company is going to compete with a public entity for garbage disposal, for water treatment, for schools—there are some circumstances in the country where private schools have competed with public schools—in every case, the private entrepreneur goes into it knowing that he or she is going to be competing against public funds. The issue is, where do the public funds come from? Going back to the first conversation I described with my first mayor,

remember what it is he says happens: The Feds give us this requirement, and we have to raise the taxes to fund it because they do not give us any money, and the taxpayers get mad at us.

This bill is not going to magically create the money at the Federal level. This bill is going to say to the local mayor: You get to make the right choice as to how to solve this problem, and if you solve it with public funds raised by your taxpayers, you are doing exactly the same thing you are doing now. The difference is that you get to choose what makes sense.

I have a favorite example of the way these mandates work does not make sense. In Utah, we have the world's largest salt sea. It is called the Great Salt Lake. I do not know why the Great Salt Lake is a lake and the Dead Sea is a sea when the lake is about 10 times bigger than the sea. But that is neither here nor there. That is the way the language works out. The Great Salt Lake is absolutely undrinkable, uninhabitable. It is as foul a place to be, in terms of an environment for a human being, as you can find. I have one of my constituents who says the Great Salt Lake is good for two things only. No. 1 is sunsets. We have spectacular sunsets over the Great Salt Lake. No. 2 is salt. They block it off in salt fonts and go out with bulldozers and gather the salt together and process it, and we sell salt in the world's salt market. That is all it is good for. I tell you that because of the example of the unfunded mandate.

Here is a city along the front of the Wasatch Mountains, between those mountains and the Great Salt Lake. Here comes the Federal Government and says to the city: ''Your water purification system is inadequate.''

The city says: ''What? We have never had any cases of any disease of any kind in our city. Our water purification system works perfectly for the residents in our city.''

''No, no,'' says the powerful, all-knowing Federal Government. ''It is the people downstream from you that are getting water from you that is not drinkable. So you must change your water purification plant in such fashion that it not only purifies the water so that your citizens can drink it, but that the citizens downstream from you can drink it. The citizens downstream from this city are the brine shrimp in the Great Salt Lake, because the water that comes out of the water system of this city ends up in the Great Salt Lake, where it is instantly rendered undrinkable by Mother Nature. But this fella says to me: ''The Federal Government is requiring us to spend $600,000 to clean up our water to the point that it is drinkable just prior to its being emptied into the Great Salt Lake, where it instantly becomes undrinkable.''

That is an example of a stupid mandate. He says, ''If the Federal Government wants to give us $600,000 to pay for that facility, I guess we will take it, but, Senator, it really makes more sense for the Federal Government to trust us to make the right decision and stop the mandate altogether.''

In all of my touring of all of those mayors, Mr. President, I never met a single mayor who was committed to poisoning the population of the city. I never met a single mayor who needed to be prevented from doing that. Yet, the Federal Government comes in with these mandates saying, you do not know what is best for your citizens. We will mandate these things to be done, and we will require you to raise your taxes to pay for it.

One final point, Mr. President. I discovered, as I got into this, that it was not just the mayors. I was talking, in the course of the campaign, about my newfound knowledge in the unfunded mandate field with some members of the State legislature. One looked at me and said: ''Unfunded mandates will bankrupt this State within 5 years.'' He said: ''We are being forced to come up with money to meet the Federal mandates, and I tell you, I sit there in the State legislature and I see the financial trends. And unfunded mandates will bankrupt this State within 5 years.'' I thought, holy mackerel, that is really serious. Then I looked at him and I decided he is an alarmist. There is something wrong with him. He cannot possibly be right. So I went to another member of the State legislature that I knew to be a very reasonable, solid guy and I said: ''Tell me about this unfunded mandates thing. So and so over here says in 5 years the State of Utah will be bankrupt from the burden of unfunded mandates.'' ''No, no,'' he says. ''He is much too alarmist, no.'' I said, ''I am glad to be reassured.'' He says, ''No, it will take 7.''

This is a serious problem, Mr. President. It is something that could threaten to bankrupt my State in between 5 and 7 years if it is not turned around, and that is something we must address.

So I close by, once again, paying tribute to the leadership, the tenacity, and the skill of the junior Senator from Idaho, who remembered from whence he came as the former mayor of Boise and brought that experience to the floor, brought that experience to this body and has almost single-handedly brought us to the point where we are debating this vital issue in this vital way.

I do, at the same time, wish to recognize the leadership of the Senator from Ohio [Mr. GLENN]. I have had the privilege of serving on the Governmental Affairs Committee when he was its chair, being present at the first hearing which he held where Senator KEMPTHORNE, Senator MOSELEY-BRAUN, Senator FEINSTEIN, and others, came and testified on this issue. I remember his commitment that this would become a priority and he would move it. Even as we pay tribute to Senator KEMPTHORNE and the work he has done, we must recognize that if it had not been for the cooperation and leadership of Senator GLENN, we could not have laid the predicate in the last Congress that makes it possible for us now to take this action in this Congress.

This is a battle in which I am happy to be a soldier, because I recognize those who lead have more experience and background. I want to make it clear that the soldier status does not in any way diminish my enthusiasm for the battle. I will be here and will do whatever I can to see that this is done.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. Mr. President, last year, the President and the administration backed S. 993, which was the predecessor bill to S. 1 of this year. There were a few changes made this year as we moved to S. 1, and it became the prime bill this year. Senator DOLE selected it as the No. 1 bill to be considered. There were just a few changes. I did not think they were major enough that the President would have any problem with still supporting this legislation. But I asked that they check on this with the administration and make certain that the President still supported this bill.

The President does support this legislation, Mr. President. I am glad to announce that. In a letter dated yesterday, delivered to us this morning, a letter that he sent to both Senator DASCHLE and to Senator DOLE, he states as follows:

DEAR MR. LEADER:

As you know, this Administration supports legislation to address the burgeoning growth of federal unfunded mandates.

I am pleased that tomorrow the Senate will begin consideration of S. 1, the Unfunded Mandate Reform Act of 1995. I believe it is critical for the Senate to act on this matter.

Let us not miss this opportunity to work in bipartisan cooperation to strengthen our Federal, State and local partnerships.

Sincerely,

BILL.

I ask unanimous consent that the letter be printed in the RECORD so that everyone will know that the administration does support this.

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

THE WHITE HOUSE,
Washington, January 11, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader, U.S. Senate, Washington, DC.

DEAR MR. LEADER: As you know, this Administration supports legislation to address the burgeoning growth of federal unfunded mandates.

I am pleased that tomorrow the Senate will begin consideration of S. 1, the Unfunded Mandate Reform Act of 1995. I believe it is critical for the Senate to act on this matter.

Let us not miss this opportunity to work in bipartisan cooperation to strengthen our Federal, State and local partnerships.

Sincerely,

BILL.

(Mr. BENNETT assumed the Chair.)

Mr. GLENN. I know, from having talked to the President last year, Mr. President, that his previous service as Governor of Arkansas left him with a particular appreciation of this problem because he was faced with it as Governor. So I did not think there would be any question about his support this year and there is not from this letter.

I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I rise as a cosponsor and supporter of S. 1.

I wish to congratulate Senator KEMPTHORNE, especially for his leadership on this issue. I am delighted to have it up on the floor of the Senate so we would not have to listen to him every week saying that unfunded mandates should now be considered on the floor.

I also wish to compliment Senator GLENN for his leadership on this bill, as well as Senator ROTH and Senator DOMENICI for their contributions in making it happen and making it happen this quick.

Most of all, I wish to compliment Senator DOLE, because he made it S. 1 and made it one of our highest priorities. The first priority was to make Congress abide by the laws like everybody else, and I compliment him for that. That is long overdue, in some cases as much as 50 or 60 years overdue. I am pleased the Senate was finally able yesterday to pass that piece of legislation. Some of us have been working on that legislation for years.

Some people have expressed dismay at the fact that it took the Senate a week to pass the congressional compliance bill. Well, there are 10 different statutes. Some of us, as I mentioned, have been working for years to make pass congressional coverage legislation and we passed it in a week. It maybe took longer than some of us would like—I know the managers of the bill would liked to have passed it a little quicker—but at least we passed it.

Now we are on the second item of our legislative agenda, which I think is equally important. Both of these items—making Congress abide by the laws like everybody else in the country and, two, making sure the Congress does not pass unfunded mandates on cities, counties, and States—are vitally important.

Any of us that have had town meetings and talked to our elected officials, know they repeatedly complain about the imposition of Federal mandates that are not funded. Localities tell us, ''You're always telling us what to do. You don't give us the money to do it. You are telling us we have to spend our resources in a way that maybe is not the best use of those resources.''

They complain, and legitimately so. And I believe this legislation will rectify that.

So I compliment the authors of the legislation. I think it is a giant step in the right direction.

And I note that it has been pointed out that Senator KEMPTHORNE is a former mayor of Boise, ID, which shows his influence. A lot us have held different legislative offices. I have heard former Governors speak here. Senator GREGG mentioned his experience as a Governor; Senator BENNETT mentioned his experience as a businessman. I too had a business in the private sector.

I also used to serve in the State legislature. And we really resented the idea that the Federal Government would come in and mandate how we would spend our resources, because we did not have ample resources to meet all the demands that were there, and yet the Federal Government was telling us how we would spend those resources.

So I think this legislation is long overdue and I compliment the authors.

In addition, I will just mention that if we continue the practice of unfunded mandates that just allows Congress to pass hidden taxes, we make the cities and counties and States increase their taxes to pay for what we consider a good idea. We should be up front and if we think it is a good idea, we ought to pay for it. We certainly should not mandate it without providing the funds. This legislation will correct that.

Is this legislation perfect? No. I made a suggestion to the authors of the legislation that I think we can improve it a little bit and hope that we will.

The legislation will prohibit, basically, unfunded mandates on cities and counties and States. The legislation requires a point of order to lie against any legislation which has a mandate unless you provide an estimate of how much it costs and pass the funding to do it. This is the requirement on the legislative branch.

Well, there are two ways that cities and counties and States are impacted. One is, we pass legislation that tells them they have to do something. Another way is if the executive branch, through the regulatory agencies, impose a mandate through regulations. In regards to the public sector, this legislation would prohibit the regulatory mandate going into effect unless funding is provided. In addition, it requires that regulatory agencies have to calculate the costs of those mandates on public sector. And I think that is positive. In regards to the private sector there is not a requirement to provide cost estimates of private sector mandates. We cannot prohibit the mandate on the private sector, at least up to now we have not figured out how to do that, but at least we should know what the costs on the private sector are. The regulatory agency should have to state what those costs are before they would have an unfunded mandate on cities or counties or States.

If the regulatory agencies are going to put an unfunded mandate on the private sector, we should know what it costs.

This legislation does not prohibit the mandate on the private sector, like we do on the public sector.

But on the regulatory side, we say if they are going to pass regulations that have a negative impact on the public sector, we at least should know how much it costs, but on the private sector the legislation is silent.

Mr. President, we can remedy that, I believe, with just a couple of words changed to make sure that we have cost impacts on the private sector as well if it exceeds the threshold level, $100 million. So, hopefully, the authors of this legislation will support that small amendment.

I might mention I have addressed the National Association of County Governments, over 2,000 or 3,000 people, for the last couple of years and it was on this subject. We have all made speeches that have been well received at various times, but when I talked about prohibiting unfunded mandates, I remember an overwhelming reception, because county officials, county commissioners, county clerks, and so on think this is the highest priority.

I might also mention, at the same speech, I was with our friend and former majority leader of the Senate, Senator Mitchell, who also made similar statements.

And so I am pleased that we have bipartisan support for this legislation. I think it is long overdue. Some of us tried to get it enacted last year. We were not quite successful. We ran out of time or it was postponed. The majority leader did not bring it up until late.

I am pleased the majority leader this year, Senator DOLE, said, no, this is going be the number one priority; we are going to bring this up at the beginning of the session. It is the second legislative item we have before the Senate and I am very optimistic it will pass.

I am a little concerned about delaying tactics, but that is not totally unexpected. I hope that our colleagues would come together and let us offer the amendments that are germane and pertinent to the legislation. Maybe the legislation can be improved upon. Let us consider those amendments and deal with those amendments and pass it. This bill has overwhelming support throughout the country from Democrats, from Republicans, from independents, from mayors to county officials to Governors and it should be enacted. I am optimistic that it will.

Mr. President, the legislation does not do everything I think it should do. I am concerned about the overwhelming number of regulations that are now pending from the executive branch. This legislation deals primarily with the legislative branch. And we have thousands of regulations that are now in the pipeline, thousands of which we have become aware of since the election.

So, Mr. President, I am going to be introducing today legislation that will

provide a 6-month moratorium on regulations that have been proposed since the election, November 9.

And, Mr. President, I ask unanimous consent to go into morning business for the purpose of introducing this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Oklahoma is recognized.

Mr. NICKLES. I thank the Chair.

(The remarks of Mr. NICKLES pertaining to the introduction of S. 219 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. GLENN. Mr. President, do I understand we return now to regular legislative action?

The PRESIDING OFFICER. That is correct.

Mr. GLENN. I listened very carefully to my distinguished colleague from Oklahoma, and I must respond although very briefly. I think to say that the people on the other side of the aisle are the ones that are trying to slow things down by putting in amendments rings a little hollow with me after what happened all—not 90-some days ago we were trying to get things through, including congressional coverage, including the S. 993, the predecessor of this bill, and it was being delayed 100 percent of the time on the other side of the aisle, until we did not have time left to get it done—the policy of delay for delay's sake.

In fact, as I said earlier today, I followed one Member out who had been very vocal in opposition to a particular amendment from over here. And out in the hall with the press, he said, ''Well, we beat another one. We beat it down.''

They said, ''What was this one on?''

He said, ''Who cares, we beat them.'' I am sorry that was the attitude, but to think that—I just cannot let it go—that Democrats are the ones slowing it down, had it not been for the Republican filibuster on the other side, by amendment and by direct filibuster, and more clotures filed than any time in history in a comparable period of time, as then-Senate Majority Leader Mitchell pointed out repeatedly on the floor, we probably would have had both of these bills done and gone before this session of the Congress.

So I know until the Senate gets its germaneness legislation some day, which I will certainly support, we are going to have delays. But to indicate that this is somehow a Democratic shortcoming over on this side, after what we were going through on the Senate floor just about 90 to 100 days ago, I cannot accept without objecting.

So I yield the floor.

Mr. NICKLES addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I appreciate my colleague's sentiments. I do not totally concur with his statement. I do remember in 1993, I introduced congressional coverage as an amendment on the floor, and I remember Senator Mitchell, who was then the majority leader of the Senate, objecting, and he was successful in defeating us by a few votes.

I also remember the makeup of the vote, and it was predominantly supported by Republicans, predominantly opposed by Democrats. That is history. That was a couple years ago. My point being, history shows, and the CONGRESSIONAL RECORD will show, many on the Republican side tried to make Congress abide by the laws, and we had a difficult time.

I am delighted we passed a bill almost unanimously yesterday. I think that is a good signal. The House did pass it unanimously and, hopefully, the small differences will be resolved in conference.

Concerning the unfunded mandates bill, I will just say there may have been objection to considering it on the unanimous-consent request, but many of us wanted to consider it much earlier.

Granted, in the last or waning days of session, one Member may be able to block a particular item. I know that many of us were interested that the bill to prohibit unfunded mandates on public sector governments—county, city, State government—we wanted to have that early in the year. For the crowd of the session or because of the administration's interest in pushing health care, or for whatever reasons, Senator Mitchell talked about getting it up but never really made a concerted effort, at least in my memory or my recollection, until the last waning days of Congress when it is possible for any one person to block a particular bill.

That does not really make any difference. I am not trying to revisit history. I also understand my comment made that people on the other side were loving the legislation we had on the floor last week—they had a lot of amendments. My statement on the floor at that time is some of those amendments were good. Senator BRYAN had an amendment dealing with congressional pensions, and I urged him to do it on a separate piece of legislation. It should be considered on its own merit. I think it is a serious piece of legislation, one that I intend to support. Maybe we can improve it. Maybe it will go through Governmental Affairs or go through the Rules Committee and we can handle that, but we do not have to do everything on one particular piece of legislation.

I do not know if that is going to happen on this bill. I am ready and I think most of us on this side are ready to consider amendments to this bill. We would like to pass this bill this week. We may not be able to. Let us pass it next week. Let us take up and consider amendments. Right now, it happens to be Members on the other side of the aisle who seem to be obstructing us in our ability to consider amendments to the unfunded mandates bill and work our way through it.

I hope that we can overcome whatever roadblocks we are now encountering and take up amendments to this bill, work our way through them, and decide how we are going to vote on them. Some of them may be good; some of them possibly should be adopted. And then let us pass this bill. If we pass a bill that prohibits Congress from mandating or passing unfunded mandates on cities, counties, and States, if we pass a bill that says Congress should have to comply with the law, if we pass a constitutional amendment to make us balance the budget, if we do that in the first few weeks of Congress, I think we will have had a pretty productive start to the 104th Congress. I hope that will be the case.

Mr. President, I yield the floor. I thank my colleague.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I will reply briefly, but I was handed a few moments ago a list of possible amendments. They include amendments by people on both sides of the aisle, and that is fine. I say to my friend from Oklahoma, there are a couple here that are very, very major that have been put in from the Republican side.

I am not here to debate all this. Both sides of the aisle have problems enough in keeping germaneness under control when we get to these things. Obviously, there was a scorched-Earth policy against anything we were trying to do last year. Last year, appropriations and authorizations bills were delayed, as well as other things. It was not all health care and things like that. That may have been part of it.

I will note, S. 993 was voted out of committee last year on August 10, and George Mitchell, our majority leader, wanted to get it on the floor and he talked to me about scheduling it. It was because of the delays on other bills that we could not get it up. We tried to do it by unanimous consent in the last few days of the session, and that failed. At that time, there were objections on both sides of the aisle. We wound up with one objection on our side we could not work off.

I do not think it does much good to do finger pointing. With the change of leadership, I certainly look forward to cooperating. I think the more we stay away from this finger pointing of the past and try to make certain we cooperate in things that are important for this country, like this bill, the better off we are.

So I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I want to, first of all, say to my colleague from Montana, I will be very brief. After having heard Senator GLENN just emphasize the importance of not doing any finger pointing, I am reluctant to do so. But, Mr. President,

I just want to make a couple of very basic points.

One is if, in fact, I hear the argument much more about delay or obstructionism, I will come to the floor and perhaps just go through every single amendment offered on the other side of the aisle which was not germane or relevant to different bills that we had on the floor. It is really rather amazing—really rather amazing. So I think we have to move forward, and the past is the past, but I would not want to let certain Senators get away with that argument.

My second point, Mr. President, which has nothing to do with the past but has to do with the now of this session, is having been a Senator out on the floor this past week with some amendments, I just would like to say to my colleagues—though I did not hear some of the arguments that were made—that if we are going to talk about congressional accountability, I think to talk about gift ban, I think to talk about trying to make this Congress more accountable, this process more open, this process more honest, is hardly irrelevant.

The third point I want to make, not at all in a defensive mode but it is something I feel very strongly about, is I think if my colleague from Oklahoma would check with my colleague from Iowa, Senator GRASSLEY, one of the things he will find out is that unlike the past Congress where there was discussion of offering hundreds and hundreds and hundreds of amendments and not agreeing to time limits, I always said to the Senator from Iowa on the last bill, ''I am going to vote for the piece of legislation. I will be willing to do this within a reasonable period of time. Here I am on the floor, ready to go with amendments.''

So, A, this sort of finger pointing does not work because, frankly, it is not credible given what happened last Congress. The fact that the obstructionism and the filibusters of last Congress is not credible does not mean that we on this side of the aisle should do the same thing.

But I would like to say, since the Senator from West Virginia [Mr. BYRD] is not here, that I do believe a Senator has a right to make what I think is a reasonable request, which is that when we deal with a piece of legislation—which, by the way, I may vote for as I am not necessarily opposed to this piece of legislation; it depends upon how it all works out on amendments—a Senator has a right to say this deals with the very core of the interrelationship between the Federal Government and State governments. We do not have the budget report. I want to be able to look at that. I want this to be a thoughtful, important debate. We are about to make major, major decisions.

That hardly represents obstructionism. That is called careful analysis of legislation, and that is what I think we will do. I think we will have an important debate. I am sure there will be amendments, and I think we will move forward.

But, Mr. President, having been someone who was working very hard on campaign finance reform, on gift ban lobbying legislation, much less health care—all of which was stopped toward the end in one way or the other—I find it a little difficult to let some of these arguments go by. I certainly will be back in the Chamber. As a matter of fact, I say to my colleague from Oklahoma, I was hoping the Senator from West Virginia would be willing to lay the committee amendment aside so I could get started on an amendment today. I am ready to do so. I am ready to have a vote. And by the way, it will deal with children. And by the way, it will deal with making sure that we have an amendment to this piece of legislation that says when we look at the impact of the legislation we pass on State and local governments or on businesses, we certainly can look at the impact of this legislation on children.

We all want to have photo opportunities next to children, and before we pass bills or amendments or we make cuts that in fact could impose some real pain on children in this country, I think we ought to be willing to look at the impact.

I cannot do it yet because the Senator from West Virginia has made I think a credible argument, which is we need to have the full analysis of this legislation.

So, Mr. President, I have no more to say now. I yield the floor. I did not want to, while I just was kind of passing by the Chamber, let other Senators talk about gridlock and filibusters and obstructionism based upon what happened last session, based upon a very valid set of concerns the Senator from West Virginia has, and based on the fact that I am going to be here in the Chamber with amendments holding colleagues accountable. I hope to pass those amendments, to do it because I love being a legislator, having the honor of being a Senator from Minnesota, and I am not going to let anybody call that obstructionism.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana

Mr. BURNS. Mr. President, I rise today in strong support of the Unfunded Mandate Reform Act of 1995. This just did not start with this Senator in 1995 or even 1994. I can remember back in 1992 when the manager of this bill was running for this office, and it was one of his priorities then. He was mayor of Boise. I went to Idaho on his behalf.

Coming out of county government, I understand the impact of some actions that are taken by this Congress, signed into law by the President, and then meant to be carried out by State and local government. I think probably the best job I had in politics was my first elected job which was commissioner in Yellowstone County, MT. Believe me, we learned the impact of unfunded mandates because when I went in there was an initiative passed in the State of Montana called I–105. Our taxpayer revolt started way back in the middle eighties. I do not know whether yours started then, but that is when ours started. It said that you cannot raise taxes unless you do certain things in your tax code both locally and at the State level. That put a lot of pressure on county budgets.

But where it differs at this level from that in Yellowstone County, one has to remember we had to maintain reserves. In every line, every department you maintained reserves because you only collected taxes twice a year, and through some of those areas you had to operate your Government but you also always maintained a reserve for unexpected things happening in your county in every line. I wish we could do that at the Federal level, that there would be something that tells us we have to maintain a reserve for emergencies and it takes an emergency to go into the reserve funds that you have.

So we understand the impact especially of unfunded mandates on budgets of county government. I can go home and talk to people now—our legislatures are in session now—and the budget people tell you that right now Medicaid is driving State budgets, an entitlement is driving State budgets, and that is why there are so many legislatures that are really wrestling with this situation called tax time and then the voter resentment or the ire of the voter during this taxing time.

We hear a lot about accountability, and we passed a bill yesterday that I favor. But accountability as far as we as legislators starts at this level right here. This is where accountability starts. We can talk about all those other things—campaign finance, all these other areas, and, no, that is not accountability. Accountability is what we do to and for this Nation and the constituents we represent because not every State does it the same, not every county does it the same. So we have to be aware of this.

With the stroke of a pen, we mandate that local governmental entities do certain things without sending them a check with which to carry out the edict. In my State, where folks are still rebelling against taxes, the only practical way to achieve these mandates is to cut something somewhere else or comply or work to where you can get around I–105. Budgets are already lean, so basically we are asking those folks who represent us at the local level to balance their budgets. By the way, they have a mandate, too. In fact, they have a law. Your budget has to be balanced. You have to account for the dollars.

It is estimated that counties are spending about $4.8 billion each year to comply with 12—only 12—of the many

unfunded mandates in Federal programs already in existence. That cost is expected to rise—in fact, some estimates have the pricetag rising to as much as $33.7 billion in a 5-year period between 1994 and 1998.

The Senator from Oklahoma raises a very good point. Yes, we can maybe pass this bill, but what happens to those entities that would do business by administrative edict or fiat? What implications might that have also on county and State governments?

We can look around, and we can see a lot of areas where, yes, we probably need some help—underground storage tanks, safe drinking water, Endangered Species Act, immigration. We can name all kinds of laws passed by this body that have to be carried out by local governments. In fact, in Yellowstone County those cost almost $400,000 in fiscal year 1993. In Gallatin County—that is Bozeman over in the south central part of the State—a county with less than half the population of Yellowstone County, the cost of those same things is around $900,000. That does not sound like a lot of money to Washington, DC, or this Hill, but in my State where I only have about 850,000 folks, it is a lot of money. And so no wonder folks turn around and say you guys back there are out of touch.

Now, I am not saying that we should stop legislating, although some in my State think maybe a breather would not hurt right now. But we are not going to do that. I am saying we here, who are thousands of miles away, should stop, look, and listen before we pass that legislation and see the impact it has on our neighborhoods. Stop mandating those expensive, sometimes unnecessary programs without providing some means to pay for them.

I think I would take a look at the rules and regulations handed down in a discussion we had about 4 years ago on the situation that was passed on to small business, principally those folks in the filling station, service station business, this business of underground storage tanks. One rule written by the EPA here, sort of one-size-fits-all, did not fit some of the areas in the rest of the country. What works in Virginia in the soil type and everything else did not work as far as the more drier area we have in Montana or the West or whatever. If so, our inability to write rules and regulations that consider the problems on a case-by-case basis almost seems impossible as far as those folks who write administrative rules.

So what we should do is take a look at this. If Congress really thinks it is essential, if we have a situation where public health is at stake, or national security, then I think it provides in this bill that we can go ahead and get that job done. Yet we are still drawn to the fact that for all others we have to find some means of financing the rule or regulation or the impact of the legislation.

I am sure many of my colleagues have seen the publication that the National Conference of State Legislatures puts out. It is called Federal Mandate Watch List. I looked at the April-June 1994 issue that covers mandates on State and local governments just introduced in the 103d Congress. They list 190 bills that are unfunded mandates, 49 bills that are listed as mandate relief bills; 190 bills just in one Congress. I would say probably some folks would classify that as irresponsible, not taking a look and seeing what we are doing. And that is what we are talking about here in this piece of legislation.

What a difference one election makes, when we start talking about what is important and what is not important in the agenda, and the priorities as far as this body is concerned, of trying to fix a situation that has been broken a long time. So, if we really think a mandate is necessary then let us find out a way to pay for it; provide a way so that they can afford the mandate that is being thrust on them. But let us start listening to our Governors and our county commissioners and our mayors, and working with those folks to make this thing called Government work for the people. After all we serve the people. Otherwise, we just cannot stay on the path that we are on. It is just the Government, like the camel, continuing to get its nose under the tent. I know Montanans do not want that. I cannot imagine they are any different than the folks in Kansas, or Florida, or Massachusetts, or even, yes, our great neighbor to the south, Utah.

Our county governments and State legislators know the priorities for their residents a whole lot better than we do here. We must remember, in most city government and county government the names of those commissioners or councilmen are in the phone book. Folks can call them at supper time and register their complaints. That is the way it is in our part of the country, anyway. And that is good. So they are pretty much in touch with the people they serve because they see them on the street, they see them at the local basketball game and the local football game, at their churches and their schools. They understand the problems that their communities face. And they also work pretty closely with the citizens to solve some of those problems.

So I urge my colleagues to pass this bill. Yes, there will be some amendments. Some I will support and some I will not support. But I think if there was a reason, one reason, why most of us are here, it is to represent truthfully and be accountable to the people we represent. And it starts with this right here: Knowledge of the impact this legislation will have on our neighborhoods.

A great Speaker of the House, Tip O'Neill, said, ''All politics is local.'' He was right. We are not exempt from that here. We are not exempt from that here. Most of us still represent that neighborhood in which we were raised.

So I urge my colleagues to look at this legislation, study it, support it. If you want to see true accountability, and especially with the bill that was introduced by our friend from Oklahoma on the moratorium, as far as the issuance of rules and regulations, it makes sense to me that the body that passed the legislation, or the committee of jurisdiction, maybe should take a look at the final rule before it goes into the Federal Register to make sure that it does do what the legislation was intended to do. All of us have, from time to time, taken a look at rules and regulations written as a result of past legislation and it looks nothing like the law. We have people who say: We have this law, let us just do anything we want to, we will write the rules and then we will worry about it later.

That I think is one of the situations I can see where we fall down in this body. Maybe we serve on too many committees. Maybe we get too busy. We do not spend enough time, us personally, getting involved in the business of oversight, especially in the writing of the administrative rules of the legislation that is passed and signed by the President.

I think this is a step in that direction. I think it makes us look, makes us study. Maybe we can answer those hard questions when we go home about some of the legislation that we should be accountable for because of how we vote down in that well.

Mr. President, I urge all my colleagues to support this piece of legislation. It is important. The leader has made it number one, and that is where it should be. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I enthusiastically support this legislation. I am pleased we are addressing this vital issue early in the session, to show how important it is. The mayors, council members, Governors all across this country have been crying out for relief of the regulatory and financial burdens imposed by the Federal Government. I applaud them for their diligence in this effort, but they really had no choice. Their constituents simply cannot take it anymore.

Those of us who have served in State and local government—DIRK KEMPTHORNE, the manager of this bill; JUDD GREGG, BOB GRAHAM, JOHN ASHCROFT, and others know so well the impact of these mandates on the budgets of State and local governments. We can empathize with the problems unfunded mandates have caused for State and local officials, and the tough choices they force for those precious State and local funds.

Passage of this bill will send a clear message to State and local government leaders that we have heard their cries, that we want to work with them to reduce these pressures on the taxpayers of America. It will also send a message that we intend to return to the proper role of the Federal Government.

James Madison said it clearly. He said:

The powers delegated by the proposed Constitution to the Federal Government are few and defined. Those which are to remain in State governments are numerous and indefinite.

This is the third time in my very short tenure in the Senate that I have spoken on the floor on this issue. But we have yet to pass this bill. We need to pass it because if we do not, the States are going to, rightly, reassert the 10th amendment of the Constitution.

In Texas, Representative Robert Talton states in a ''Dear Colleague'' letter to Texas House members, ''Almost one-third of the increase in the State budget over the past 3 years has been the result of unfunded Federal mandates''—one-third. It is time to put an end to this malicious abuse of the 10th amendment. Seven resolutions are now pending in the Texas Legislature to send a clear message right up here to us to stop the unfunded Federal mandates.

A recent Texas Legislative Budget Board study showed Texas spending $9.7 billion on unfunded Federal mandates from 1990 to 1995. Here are a few examples of how that spending adds up for our local government in Texas.

Dallas has seen its storm water treatment costs triple to $16 million in 5 years. They will face logistical and financial problems meeting Clean Air Act requirements of having 30 percent of its municipal fleet of vehicles use compressed natural gas by 1998. First of all, with other cities clamoring to meet the same requirement, there will be an inadequate supply of gas powered vehicles available. Conventional vehicles will have to be retrofitted to meet the requirement and the residents of Dallas will have to pay that bill. Refueling will be troublesome because they don't envision the convenience of natural gas they now enjoy with gasoline.

EPA has mandated centralized vehicle inspection to meet standardized emission testing requirements of the Clean Air Act in El Paso. Not only will that cost them additional money, it eliminates a service currently provided by privately owned gas stations. Here is an example of the private sector suffering from unfunded mandates because those gas station owners will lose revenue. And we know what that means—eventually the loss of jobs.

Houston estimates that it has the second highest water and wastewater rates in the Nation. The $42 monthly payment for residential usage is second only to Boston's $51 a month. To comply with the Clean Water Act, Houston began improvements on its sewer system 3 years ago, a project that will take another 4 years and run $1.1 billion in capital expenditures and $65 million annually for operation and maintenance.

Amarillo, a city of 158,000 residents, has had to triple its budget for wastewater treatment, from $10 million to $31 million, to meet EPA treatment renovation requirements. Their northwest plant, which was a state-of-the-art facility when constructed in 1988, had to be retrofitted to meet EPA's new permit requirements. That cost them $10 million—$10 million they had not budgeted for this because they thought they had built a more than adequate system. They did not expect, EPA to change the requirements every 5 years.

Nacogdoches, a Texas town that my mother was born in—30,000 people live in Nacogdoches today. Nacogdoches happens to be the town in which my first predecessor also lived, Thomas Jefferson Rusk. The first person to hold this seat came from Nacogdoches. It probably had about 30,000 then, and it does now. They have seen the cost of operating their landfills triple due to changes in subtitle (b) landfill requirements.

I mention the populations of Amarillo and Nacogdoches to give my colleagues a sense of the burden unfunded mandates place on citizens of small cities and towns especially. They simply do not have the resources to cover the costs of these mandates. One-size-fits-all solutions cripple these smaller towns.

Every State in America can duplicate the story that I have just told about a range of cities, from the largest to the smallest, in my State.

I hope we can move swiftly to enact this legislation. Let us live up to our responsibility to address the impact of unfunded Federal mandates.

I know this bill does not apply retroactively. I wish it did. But at least we can say we got the message to State and local leaders that you can be assured that we are not going to bombard you anymore in the future, that we will have the facts, and that we will send the money if we decide something is important enough to do that we tell you you have to.

That is part of our charge and it is part of the charge that Senator BOND of Missouri and I have on our Regulatory Reform Commission. This is what Americans are saying they want changed: Give us relief. Give us relief from our local tax burdens caused by the Federal Government, and give it to us in our businesses so we can get about the business of competing again and creating new jobs in this country.

So we need to make sure that we take the steps for the future. And then Senator BOND and Senator NICKLES and I are going to try to come back in and look at what we have to do through the regulations that are now on the books because a lot of mayors have told me, well, you have done a lot of damage. Even if you change it now, we still cannot live with all of the changes that we are seeing that have come from the past.

So we can do something about that, but let us take the first action first. Let us keep the faith with our States and local leaders, and most importantly, with the taxpayers who are footing the bill at the State and local level, as well as at the Federal level; all the same people. They need relief and they said so on November 8. This bill will be the first step in the right direction to show that their votes did send a message. The message is received, Mr. President.

I want to especially thank my colleague, Senator KEMPTHORNE, from Idaho. He is a former mayor of Boise. He has done a wonderful job of staying with this bill. As I said, we have had it up before and it has gotten knocked down for one reason or another. But he stayed in there because he knew how important it was. And a mayor is the person on the front line. Senator KEMPTHORNE should be thanked for his dogged determination to try to correct the force of this Federal Government as it relates to our State and local governments under us.

So I thank him and I urge my colleagues to support Senator KEMPTHORNE. I am proud to be a cosponsor of this bill myself. I hope that we can pass it and put it on the President's desk and say to the people of America ''Signal received.''

Thank you, Mr. President. I yield the floor.

Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. Mr. President, I rise to revisit an issue that I addressed in the last Congress, the problem of unfunded Federal mandates on State and local governments.

I have always been generally opposed to unfunded Federal mandates on States and localities, and I introduced a bill in the last Congress to address this problem, Senate Resolution 69. Revenue sharing, in my judgment, was an excellent program. Unfortunately, it was terminated. But nevertheless it provided funds to local and State governments to carry out mandates that were imposed on the States and local governments by the Federal Government.

This is not to say that all the mandates have been bad. I think there have been a number that have been good. We have generally followed the carrot approach relative to mandates by saying that if certain programs were adopted, then the Federal Government would come forward with revenues to assist them.

The November Elections have given advocates of ending unfunded mandates momentum, so I am confident that Congress will soon pass legislation addressing this issue once and for all. I believe the proper vehicle for achieving this goal at this time is the bill that we are now debating, S.1, the Unfunded Mandate Reform Act of 1995, of which I am an original cosponsor.

I think the fact that it was designated as S. 1 indicates the priority that was given to it by the sponsors and the leadership. They wanted local

and State governments and the American people to know that this was a top priority on the part of the U.S. Senate.

As you know, because of the new federalism mood which prevailed in the 1980's, responsibility for the provision of several public services was shifted from the Federal Government to the State and local governments in an effort to shrink the size of the Federal Government. In some instances, the Federal Government simply failed to provide public services, creating a void that State and local governments had to fill; while in others it mandated that State and local governments and businesses fulfill them—without providing the necessary funds to finance their implementation.

When I use ''business,'' I use it in a broad sense to include farmers and self-employed people.

At the same time these responsibilities were shifted from the Federal Government to State and local governments, funding from the Federal Government to States and localities was cut dramatically. As a result, State and local governments have been given additional responsibilities but less funding with which to carry them out.

The magnitude of the costs to State and local governments of complying with unfunded Federal mandates is staggering. Recent surveys estimate that the most Federal mandates are currently requiring annual expenditures of $11.3 billion by cities and counties, and that the cumulative costs over the next 5 years are expected to total $88 billion. Cities and counties reported that the costs of complying with these mandates consumed an average of 12 percent of their locally raised revenues.

The U.S. Conference of Mayors surveyed 314 cities regarding the costs of complying with 10 specific mandates affecting cities. The current year costs were found to be $6.5 billion. Three Alabama cities were included in the survey: Birmingham, Gadsden, and Huntsville. By way of providing an example of the costs of compliance to localities, the total costs of complying with these unfunded mandates for fiscal year 1993—the last year for which figures are available—were as follows: Birmingham: $2,445,300; Gadsden: $373,000; and Huntsville: $9,076,087.

Likewise, the National Association of Counties surveyed 128 counties across the country and found that counties are spending an estimated $4.8 billion annually to comply with 12 specific Federal mandates.

In a federal system of government, such as ours, it does not make sense for one level of government, such as the U.S. Government, to dictate how other levels of government spend their locally collected taxes. This violates the basic principles of a federal system of government in which the various levels of government are autonomous units of government, independent in their sovereignty and subordinate not to other levels of government, but to the Constitution and ultimately to their citizens.

The recent trend toward dictating unfunded Federal mandates on State and local governments is not consistent with traditional American federalism and has therefore caused serious strains between the various levels of government in our federal system as these mandates have been passed down. Instead, a policy of reliance on unfunded mandates is consistent with a unitary form of government, such as Great Britain's, in which all authority is in the hands of the central or national government and local governments are subordinate, and can be considered branches, in effect, of that central government.

Therefore, resolving this issue is not just a matter of providing much needed assistance to our State and local governments by reducing the burden of unfunded mandates. It will also serve the larger purpose of restoring American federalism by reestablishing the proper balance between the levels of government in our federal system.

I hope my colleagues will support S. 1, the Unfunded Mandate Reform Act of 1995. It will promote greater accountability and responsibility on the part of Congress with regard to the Federal Government's impact on State and local governments, and will therefore serve to restore the integrity of American federalism by ending the scourge of unfunded mandates.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, as a former State senator, I appreciate how important this bill is. I have been there, and I have had to trudge through, and try to figure out how to pay for Federal programs.

Two years ago, I came to this city as a reformer.

Mr. President I know this legislation speaks to the whole relationship between the Federal Government and the States. It is about our very rights and obligations as Americans. And, for that reason, I am concerned, Mr. President. This bill is very broad. It is a 10-second sound bite with years of implications. In some cases, it might go too far. In some cases, it might not go far enough.

But, I wonder, how many of my friends and neighbors understand it? How many ordinary Americans have even heard of it? How many of us truly understand the long-term implications?

This legislation will affect just about everything we do in the Senate, and it will essentially affect the lives of every American.

So, Mr. President, why are we rushing through this? We need a lengthy discussion of this bill. The American people need to understand the very real implications of this bill. Ordinary Americans should be part of the dialog. In this debate, and in every debate in this Congress, we should be prudent. We need to realize that every action we take here affects millions of Americans' lives and rights. And, I have to say, Mr. President, I am worried about the implications of this bill.

It seems to me that Senators have very different goals. Some want to use this bill to gut environmental protection laws. Some want to gut laws which protect people with disabilities. Some want to eliminate labor laws, like workplace fairness. And, the laws which combat crime, And, laws that go after child abusers.

These laws—which I guess we're just going to call mandates from now on—these laws protect the rights of ordinary Americans.

That is why I think we need to keep some balance here. I want to make sure before I cast my vote that we are not acting rashly, and we are not ignoring people's very rights.

Mr. President, perspective and balance are two important concepts I think we need to keep in mind as we go through this debate.

I commend the work of our colleagues, Senator GLENN and Senator KEMPTHORNE. They have provided real leadership here by educating us on the issue of unfunded mandates. They have certainly put that issue in perspective. And, so has my friend from Michigan, Senator LEVIN.

I firmly believe Congress has to assume the responsibility of ensuring a quality of life for the people we represent. That is why we are here. And, we also have the responsibility to tell people that this quality of life costs something.

Every American wants to go through the day knowing they are secure, because we live in a country where we have basic protections. I want to be sure when I wake up in the morning and make oatmeal for my kids, the water that comes out of the faucet is safe to drink.

Every parent wants the assurance that the school bus their children are on has been built under tough safety standards, so it will not fall apart on the way to school.

Every American worker wants to be assured they will not get cancer from a video display terminal, that they will be protected by labor laws, and by OSHA laws. All of that can happen in this country because of Federal mandates—the laws we pass—laws that say, ''as an American, you can be sure there are basic protections and assurances you will have.''

Last year, we passed the National Child Protection Act. This bill requires a State to report child abuse crime information to a national criminal background check system. That is a Federal mandate, and it is keeping our children safe from abusers.

Last year, my good friend and colleague—the senior Senator from the State of Washington—worked hard to include in the crime bill a very important provision on sexual predators. States will now register the addresses

of convicted sexual predators when they are released from prison.

That is a Federal mandate, and it's making our streets safer.

Several years ago, the Congress and President Bush made life better for people living with disabilities. The Americans With Disabilities Act has improved the quality of life for people across the country. And, the ADA directly helps many people important to me—like the women and men who have served our country in uniform, and were injured in war.

The ADA is a Federal mandate. And, it is making life better for our disabled and paralyzed veterans.

And, in my corner of the country, look at all the progress we have made because of the Federal Government's involvement.

Lake Washington has been cleaned up and so will be Puget Sound and Commencement Bay. And, that is because of a Federal mandate.

Mr. President, I am the first one to agree that Congress should not require local jurisdictions to conduct unnecessary and costly studies. And, I strongly believe in streamlining and eliminating the bureaucracy.

But, Mr. President, if we did not require environmental impact studies, could the Government just come in and string a thousand megawatt powerline over your house? Could the Government just bulldoze a superhighway around your neighborhood? Could the Government just place a landfill at the end of your road? What would that do to private property values?

It would devastate them. And, that would be wrong. It is certainly not what the American people want.

These are all examples of why we need to go slowly; why we should take our time and really have a serious discussion of this issue; why we cannot rush through this process.

Mr. President, this bill might be too sweeping. As I said, it might go too far.

And, on other hand, it might not go far enough. For example, the State of Washington is home to Indian reservations and many military installations. And, in Washington, there are more than 60,000 students enrolled in schools on reservations and military bases.

As we have heard here many times, Mr. President, the tax bases of local jurisdictions are seriously affected by all sorts of Federal activity. That is certainly true of educating these children. And, Congress recognized that.

In order to compensate for his influx of the Federal Government into local school districts, we established the Impact Aid Program.

It is a good program. It acknowledges our society's responsibility to educating all American children and the Federal Government's responsibility to local school districts. It is a good program—in theory. But, in reality, it does not work out so well.

Unfortunately, local taxpayers—not the Federal Government—have to pick up about 60 percent of the cost of educating these children. Local jurisdictions cannot tax these Federal facilities. Local jurisdictions are forced to pay for the education of children on Federal lands. The Federal Government has not been picking up the tab.

The Federal Government brings kids to bases all over the country, and then tells local neighborhoods, ''you have to pay.''

My State also contains the Hanford Nuclear Reservation. We have been struggling for years to clean up nuclear waste at this site.

So, Mr. President, you see, I understand the concern of some Senators about inadequate Federal support.

But, if we are discussing the State and Federal relationship, if we are discussing the philosophy of taxation, if we are discussing our rights and obligations, why are we not discussing the Federal obligation to educate American children of military parents and native American children?

Why are we not discussing the education of the children in public housing? And, why are we not discussing the cleanup of Hanford?

Lets' not assume that just because we are reformers—and I assure my newly elected Republican colleagues they are joining many reformers here in the Senate—let us not assume that everything we are doing in the name of reform in flawless; let us keep things in perspective. Let us stop talking about theory, and start talk about reality. Let us talk about how this bill affects ordinary Americans. The people in America's neighborhoods.

Mr. President, I must say, I am very concerned about how this bill will work out in the long-run.

And, so, Mr. President, I will listen carefully to this discussion. I am still undecided on this bill. And, I will want to see a great deal of balance and a great deal of common sense before I cast my vote.

And, I will have to know that the interests of the people in Washington State are protected.

I know we need reform. But, this approach is like a meat cleaver. It is very broad—and it seems to me sometimes clumsy. It hacks at everything, without regard for the substance of the laws it affects.

I know we need reform, But, when I stand in this body, I cannot forget my responsibilities as a mother. And, I am not convinced this type of legislation will protect our families and children.

I know we need reform. But, I will not stand here and allow this bill to create a new bureaucracy of unelected analysts and political appointees at the Congressional Budget Office.

Who will decide which bill to score first? How long will these cost estimates take? And, what about the costs contained in amendments pending on the floor?

The American people do not want to see a new monster bureaucracy in this city.

Mr. President, I know we need reform. So, I would suggest some balance—like returning this to the committees; like holding more public hearings so every American citizen can really understand how this bill might impact their life, their community, their neighborhood; like considering mandates on a case-by-case basis. Last year, for example, the Senate reached consensus on the need to review and changes mandates in the Safe Drinking Water Act. And, we passed a reauthorization bill that had fairly broad support.

That is a more delicate approach. That is a commonsense approach. That is the proper role of legislation. That is good, solid bipartisan work on behalf of all of our constituents.

And I believe that is what the American people want.

I thank you, Mr. President.

I yield the floor

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, it is my understanding that the first committee amendment is pending, which is a Levin initiative that was offered and was adopted unanimously by the committee. As far as this manager is concerned, we have no further requests for time on the amendment.

I would ask the Chair to put the question on the committee amendment.

The PRESIDING OFFICER. Is there further debate?

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, I honor and respect my friend. He is doing what he ought to do. He is fulfilling his responsibility. He is seeking to get a vote on the amendment. I respect him and admire him for that.

But, Mr. President, as I said earlier today, we want to see the committee report issued by the Budget Committee and have an opportunity to study it a little bit. We are not ready to vote. This Senator is not ready to vote.

I assure my friend that, in the final analysis, I may vote for this bill. I say that sincerely. I may not. I do not know. I have thought there are some good reasons for legislation of some kind that will deal with at least some unfunded mandates.

But I want to know what is in this legislation. I think my colleagues are entitled to that knowledge. Our staffs need to see the committee report. I will not be in a position to allow a vote on any amendment tonight, at any hour tonight, or tomorrow, at least until that report is available and we have some opportunity to digest it. Mr. President, I say this not in any dogmatic way, I hope. I do not intend to appear to be laying down the gauntlet and say ''This shall not pass,'' but I am prepared to say that we will not vote

on amendments until we get that report and have an opportunity to study it. That is a reasonable position. I hope I am perceived as a reasonable man. That is only fair—to not only be seen as a reasonable man but to be a reasonable man.

I know I stand on solid ground. And I stand for a principle here that I think is in the interest of all Senators in the final analysis and in the interest of the Senate and in the interests of the American people.

So I would say to the Chair that I am prepared to talk at length in order to keep a vote from occurring at this point.

Mr. President, I yield the floor.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, obviously, the Senator from West Virginia can delay this bill as long as he wants. He can filibuster it if he would like. He can talk all night tonight and talk all day tomorrow. But I think the facts of the matter are that this bill is clamored for by Governors, mayors and everybody that understands what has happened to the U.S. Government, taking over responsibilities from the States and mandating what they ought to do with States, cities, counties and others and then not paying for it.

There should not be any doubt. This is a readjustment of the relationship between the Federal Government and the States. This bill, with a few little exceptions with reference to enforcement that, if somebody is serious about, we can explain and debate in half a day, this bill had cleared the Governmental Affairs Committee last year and was not before the Budget Committee as far as a report because we added a point of order to enforce a part of the Budget Act. That is the only significant enforcement change.

As a matter of fact, nobody is entitled to the report that the distinguished Senator from West Virginia suggests tonight that we must have. Because we have been asked for it, we said we will have it. Nobody should be of any misunderstanding that every single bit of information that is in that report was available to the Senators today, because it is extracted in the RECORD in views of the majority and minority and put into a document that everybody has.

The Senator, in honesty, asked for the report. We said we will produce it. It is just a matter of putting ''Report'' on the cover page and getting it printed. Everybody should understand that that is really not any reason to hold this amendment up. If you will hold up the bill because you want to hold up the bill, that is fine. Everybody has that opportunity, including our distinguished friend, former majority leader, former chairman of the Appropriations Committee, but actually this amendment is 11 amendments, agreed to unanimously in the Governmental Affairs Committee, I say to my friend, and the Governmental Affairs Committee filed a report.

I have been doing everything I can to tell Members that, really, there is no relationship between delaying this bill and waiting for a report. If one wants to delay the bill, fine. Now, nobody as far as I understand from our side has said we want to get this bill through here in 24 hours. Nobody said that. Our majority leader, I say to my friend from West Virginia, said, ''Let's get started on it.'' He asked his committee chairman and we respect him and the institution, ''get the bill here as soon as members can.'' We did that.

All we are doing is saying to the Senate, now take all the time Members want in the normal course of doing business—save a filibuster, which we have to object to—and tell the American people what somebody is up to. Save and except for that, there will be time.

I hear Senators say this is too big a deal, too important. How many days do we want? Three more days? Five more days? Clearly, nobody has even offered an amendment and we have been here for how many hours, 5, 6? I think that is enough time to consider an amendment. I was coming down here tonight thinking there were no amendments, and I was going to speak. I would yield for a moment to anybody that has an amendment. Let us get on with it.

Essentially, I think the distinguished senior Senator from West Virginia makes a point and has the rules on his side. He is merely saying that he is not going to let Members vote. I hope he is saying ''for now.'' I hope he is saying that ''for now'' that will disappear pretty soon so we will get on with the business of the Senate and the business that our majority leader in deference to the Senate and the people of this country has asked us to help him with.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I thank the Chair.

Mr. President, I want to talk in a moment about a statement made by the Senator from Georgia.

The more things change the more they stay the same. It is just on that side now, not on this side. Last year I listened to all of the speeches that we made that were similar to the distinguished chairman of the Budget Committee. We were filibustered on practically everything, and the bills that were filibustered last year are now 1 through 5. You did a great job. People out there think that we could not do anything. Now you all can do it all.

So, we will have a little fun. If the shoe fits, wear it. If it does not, the rule is on our side. I heard that. I would hope that we would be accommodating here and not try to steamroll. We are just getting started. We do not have a bunker mentality yet. And the bunker has not been built.

I would think that the speeches that were made last year we can almost go back to the RECORD and read them, except that side is making them now instead of this side. So we will get around to all these things.

Earlier in the debate the Senator from Georgia, Mr. COVERDELL, spoke of the Motor-Voter Act as an example of the type of legislation the unfunded mandate bill is designed to prevent. He argued that if this bill, S. 1, the unfunded mandate bill had been in effect, the Members who had been made aware of the costs of motor-voter when they voted, and it probably would not have passed. That was his statement today.

Mr. President, motor-voter is not an unfunded mandate as defined under S. 1. Let me repeat that: Motor-voter is not an unfunded mandate as defined in S. 1. It is not a new bill. I offered it 8 years ago. I am glad it is out here now and we are talking about it. I got two Senators that agreed with me. It has become a large slide out there. I can hardly wait to feel the tidal wave come over me when we finally do vote on it. Eight years ago I got a couple of Senators here to help me.

Now, if this bill had been law, S. 1, at the time motor-voter was considered, the motor-voter bill would not have been subjected to a point of order. I want that understood. Contrary to what the Senator from Georgia has asserted, we did know—we did know—what the cost of motor-voter was going to be, as we all know all bills reported by committee have to have a cost analysis by the Congressional Budget Office. CBO did a very thorough analysis, and even consulted State officials in its review of that bill.

Its estimate included the cost impact on the States. CBO estimated the bill to cost the States $20 million to $25 million total. That amount would not have triggered the provisions of this bill. Therefore, by definition, motor-voter is not an unfunded mandate.

Furthermore, the CBO analysis found that those direct costs to the States would be offset by savings. For example, CBO estimated that local election officials would save up to $10 million annually because it would reduce the need for extensive temporary staffing close to each election.

Also, it estimated an additional savings of $4 million in postage. That is subtracted from the $20 million to $25 million. So this statement of the Senator from Georgia—I hope he will read the bill and look at it and see that motor-voter would not have triggered this bill as now before the Senate.

In the committee report on motor-voter, the minority set forth inflated estimates of State costs. Those estimates have not stood up to those States that have gone ahead with implementation, and 37 of them have. Maybe 38 now. The actual cost of States' implementing motor-voter have been much lower than the minority's initial estimates and closer to the costs projected by CBO.

Opponents continue to rely on inflated cost estimates, which includes

the cost of computerization of a State's entire registration rolls.

Mr. President, computerization of the registration rolls is not required by motor-voter—not required. What they are trying to do is to load this on the cost and say they have to do it and go out and spend the money, and then they are fussing about unfunded mandates. It is just not true.

The Senator from Georgia questioned whether there was any benefit gained by motor-voter. I never claimed at any time, that I can recall, that motor-voter would increase voter turnout. What I claimed was that it would increase the number of registered voters and those that could vote if we got them out.

The record on this, I think, is extremely clear. In the first 2 working days in which motor-voter was in effect in Georgia, it added 1,853 new registered voters, almost a thousand a day.

In Florida, on the first working day of implementation, 4,640 new registrants—4,640—were registered the first day in the State of Florida.

In the first week in Indiana, it was reported that 10 percent of motorists getting new or renewed licenses took advantage of motor-voter and registered.

I suggest that these numbers speak for themselves, and it is clear from these figures that motor-voter is working. I suggest—only suggest—that the real concerns of the opponents of the motor-voter bill is the fact that it is working and it is really not the cost of implementation of this piece of legislation.

I have never engaged in a filibuster in 20 years. I have used some parliamentary procedures and used some strategy as it relates to the rules of the Senate, but with the reports we have from the States that are involved—and if there is an attempt to put this amendment on this piece of legislation, I will have to object and I will have to object vigorously. I will have to use whatever means are available to me as a Senator to see that as we move along and as things are really happening out there, and that people are being registered and the cost is much less and it does not trigger S. 1, then I feel like we have made a good start in a good direction.

Mr. President, I hope I do not have to and I hope that there will not be an attempt to put on an amendment as relates to motor-voter on S. 1.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. MURKOWSKI. Mr. President, point of order. The Senator from Alaska has been here and waited through two other Senators who spoke. I do not know whether I have been overlooked or what. I had a brief statement. I ask unanimous consent that I may be allowed to give it at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. What was the request?

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that I may be allowed to make a brief statement on the subject matter that is before us at this time.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, the Senator does not need consent to do that. He has the floor. He can talk as long as he wants.

The PRESIDING OFFICER. The Chair will state the Chair has recognized the Senator from Idaho. At this point, the Chair also states to the Senator from Alaska there was a speaker on this side, and I then recognized the Senator from Kentucky, and the floor manager asked for recognition. That is where the Chair stands.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that I can yield time necessary to the Senator from Alaska to make his comments, but that I will retain the floor upon the completion of his comments.

The PRESIDING OFFICER. Is there objection? Without objection.

Mr. MURKOWSKI. I thank my colleague from Idaho.

Mr. President, I am pleased to rise today as a cosponsor of this Unfunded Mandate Relief Act of 1995. Unfunded Federal mandates certainly become one of the tools of business as usual in today's legislating to improve the quality of living in America. But in reality, they counteract what we are trying to achieve as legislators by forcing exorbitant compliant costs on our State, local and tribal governments.

Change is what Americans called for during this last election. This bill takes, I think, a comprehensive approach to changing the way we do business here. It has bipartisan support in both the House and Senate and the support of the States and their respective industries and, I believe, the support of a wide segment of America's taxpaying public. So I am ready to support the passage of this bill when we move to a vote in the Senate.

The future of unfunded Federal mandates is about to be changed, and the next step is to move toward providing relief for existing regulations that impose an unbearable cost on State and local governments.

Yesterday, I was visited by residents of the small community of Unalaska, near Dutch Harbor. It is a small island community in the Aleutian chain of southwest Alaska. It is a rather interesting community because it ordinarily has a population of about 4,300. But for about 3 months out of the year, that population increases by about 10,000. The rationale is that it is the largest fishing port in the United States, and the fish that are processed there are processed primarily by workers coming from all over Alaska, as well as other States.

The community is accessible only by air and water. There are no roads. There is a ferry service that makes approximately six trips each year. The residents of Dutch Harbor and Unalaska, one can imagine, could hardly be affected by the proposed legislation on unfunded Federal mandates. But I stress that the heavy financial burdens caused by existing regulations stacked with unfunded mandates reaches out that far.

These folks are not alone. Throughout Alaska and across the country, communities, large and small, are faced with the impossibility of trying to meet the mandates of the Congress. We simply need to provide them with relief.

In Dutch Harbor, the EPA recently issued a notice requiring filtration of drinking water to the city of Unalaska. The filter plant requirement would appear to be in the public health interest, but Unalaska's water system has never, ever been associated with waterborne disease. Their primary source of water is a small stream with its headwaters encompassing an area of undeveloped mountain and volcanic regions. And when a storm occasionally passes through, it stirs up the silt in the stream and the water occasionally exceeds the EPA's accepted turbidity level of 5 units.

Now, Mr. President, the result is that these people, the majority, as I have said, year-round residents, some 4,300, who have been drinking that water untouched by human development for several thousand years are now forced to implement a $6 million water filtration plant, plus foot the bill for operating expenses to solve a problem that does not exist. They simply cannot afford it, but they are mandated under law. The local officials potentially face liability and criminal penalties if they do not adhere to this demand.

This is only one example of many in Unalaska. They must also construct an advanced primary or secondary sewage plant in compliance with Federal regulations at a cost of another $6.3 million, with $200,000 yearly in operating costs. They simply cannot afford it.

They also face extremely high costs of complying with the Clean Air Act. They are forced to reduce emissions from their power generation facilities to meet reduced 1995 emissions.

What are the circumstances here? There are approximately eight generating plants throughout the community. Their power is diesel generated. The EPA monitors over the exhaust. They compile data collectively and they find them out of compliance.

What is not understood is that Dutch Harbor, AK, is probably the windiest place in North America. On an average day it will blow 60, 70, 100 miles an hour in a storm, they have registered 170 miles an hour. Yet the EPA maintains they are not meeting their air quality emissions.

One might ask, well, why not put up windmills. The problem with the windmills is they simply cannot stand the ice that forms on the blades; they tear themselves apart.

These are real people who come to Washington asking us to address a legitimate problem, and it is legitimate in the sense that it affects their livelihood. We talk about millions and billions. These are people who come in to try to explain their circumstances and are asking for relief. This is a fishing community that has been forced to turn away members of the industry seeking a power source because they have already reached the maximum capacity that EPA dictates. They are so caught up in efforts to comply with Federal regulations, as I have said, to avoid civil and criminal penalties, that there are no resources remaining for expansion to meet additional community needs.

In my opinion, Mr. President, the real criminals are the agencies forcing these unbearable cost burdens on our communities as regulatory dumping grounds, if you will. Now this community has teamed up with 40 other communities to pass resolutions calling on Congress to address the impact of these unfunded Federal mandates.

I ask unanimous consent that a list of those communities be printed in the RECORD.

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

MUNICIPALITY

Aleutians East Borough.
Fairbanks North Star Borough.
City and Borough of Juneau
Ketchikan Gateway Borough
Kodiak Island Borough
City and Borough of Yakutat
City of Akutan
City of Atka
City of Atqasuk
City of Bethel
City of Brevig Mission
City of Coffman Cove
City of Cordova
City of Fairbanks
City of False Pass
City of Haines
City of Kaktovik
City of Kasaan
City of Kenai
City of King Cove
City of Klawock
City of Kodiak
City of Kotzebue
City of Larsen Bay
City of Nenana
City of Nome
City of Ouzinkie
City of Palmer
City of Petersburg
City of Sand Point
City of Seldovia
City of Shishmaret
City of Soldotna
City of Thorne Bay
City of Togiak
City of Unalakleet
City of Unalaska
City of Valdez
City of Wainwright
City of Wasilla
City of Whittier
City of Wrangell

CHAMBER OF COMMERCE

Kodiak
Unalaska/Dutch Harbor.

Mr. MURKOWSKI. These communities are openly committed to providing high-quality public services to the residents, but as a result of the numerous unfunded mandates and restrictive time schedules, are sacrificing other local priorities. The intent of Congress in passing environmental statutes was not to deplete our States' economic resources. If we are truly committed to changing the future of unfunded mandates in our legislating, we should be willing to go a step beyond, and that is what I am prepared to do.

So, Mr. President, reform of unfunded mandates is not a job well done until we have provided relief from those regulations now in effect, and I am committed to finding that balance which raises the quality of public service for Americans at a reasonable cost. If a less costly course of action is available to achieve the same result, we should not limit that window of opportunity but encourage the cost savings. This is possible when solutions are tailored to fit the local needs, not mandated by an out-of-control Washington bureaucracy.

Mr. President, I wonder if I could just insert in the RECORD by unanimous consent at this time the entire statement concerning the announcement that one of our American sons was killed while serving with the special forces on duty in Port-au-Prince, Haiti, and is the first American service man to die while on the mission, and the difficulty of course, is the reality that this soldier died while he was monitoring toll booth operations on a road in Haiti. I will repeat that, Mr. President. The first American soldier to die in Haiti died while he was monitoring toll booth operations. He was shot by a passenger in a car at a toll booth.

Mr. President, why are American troops still in Haiti? General Cedras is gone. Aristide has been in power for more than a month and still American forces remain in Haiti. What are we doing monitoring toll booths and cleaning streets? In this Senator's view, the return of our soldiers from Haiti is long overdue. Our mission has been accomplished and we should not be performing local civil service functions associated with police work. It is a sad day, Mr. President, when any American soldier loses his life defending freedom. Mr. President, it is totally absurd that this soldier was killed while performing a job he was neither trained for nor should have been doing. I urge the President to bring home our troops now.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. By previous order of the Senate, the Senator from Idaho is recognized.

Mr. KEMPTHORNE. I thank the Chair.

Mr. President, first may I say I appreciate the comments made by the Senator from West Virginia about the fact that I was carrying out the role and responsibility as floor manager. May I say that I have the utmost respect for the Senator from West Virginia, and I intend to learn a great deal from the Senator from West Virginia, as we will have much time, probably in terms of years, together here.

Mr. BYRD. Mr. President, will the Senator yield without losing his right to the floor?

Mr. KEMPTHORNE. I yield.

Mr. BYRD. The Senator from West Virginia can learn a lot from the Senator who is now managing this bill. I am sure I will learn something probably before the day is over.

Mr. KEMPTHORNE. I appreciate that very much.

Mr. BYRD. Because he has some reason for asking consent that he be recognized, which is fine. I respect that. But the fact that he is doing his best to advance the bill does not but increase my admiration for him. I simply state that I hope we would not have to stay around too much longer inasmuch as there will not be adoption of any amendment. There might be a motion to table and get a vote one way or the other on that. But on an amendment to table, why, then Senators have to make a decision as to whether or not they want to try to reinstitute that amendment at some time.

I thank the Senator.

Mr. KEMPTHORNE. I thank the Senator from West Virginia.

Mr. President, I also want to make this point. We have had discussion about last year and about, well, what happened. Why is it that S. 993 did not ultimately come out of the Senate? That is history. That is behind us.

This is the future. S. 1 is the future. And S. 1 is a bipartisan piece of legislation; 63 Senators have said that they sponsor this legislation. The amendment that is before us, which is the Levin amendment, was agreed to by the Governmental Affairs Committee, of which we do have the report from the Governmental Affairs Committee, so that that particular issue is contained within this report. I hope that we can move forward. But again I respect other Senators' asserting their rights.

We need to deal with this, though, Mr. President. And as I have said throughout the day, we will take whatever time is necessary so that all Senators fully realize they have had every opportunity to debate this issue thoroughly. Those who wish to offer amendments may offer amendments, and we will debate those amendments thoroughly because this is significant legislation. It will fundamentally change how this Government operates. But it is simply that we are going to go back to the fundamentals of what the Founding Fathers intended, and that is that we will know what federalism is, and that is Federal-State-local government partnerships.

In our current system of mandating, too often, Mr. President, we have seen, on those 15-minute votes, that we come down to the well and we say, ''Well, is there a mandate in this legislation?'' And rarely do you hear anyone say, ''Well, how much does it cost?'' Because there is absolutely no calculation of the cost.

This is a process. S. 1 is a process that we are trying to implement so that when we have these multimillion dollar decisions and multibillion dollar decisions, we will have that information before the vote. We will have the analysis as to what impact does this have upon the public sector; what impact does it have upon the private sector; what impact might it have upon any competition between the public and private sector where they may be carrying out similar responsibilities; what impact might these decisions have upon the national economy, upon jobs, upon international competitiveness of this country with the rest of the world. We will know that before we cast our votes.

And so it will not be this little time, for 15 minutes somebody might say, ''Is there a mandate?'' We will know because we will have information that tells us there is a mandate. The authorizing committee will establish there is a mandate; we have had it costed by CBO; we have had an analysis.

I believe that because this is bipartisan, because this has the support of, it is fair to say, the Nation's Governors, the Nation's mayors and county commissioners and school board administrators, because it has the support of the private sector. The majority leader and I had the great opportunity this morning to meet with a number of representatives of the private sector and, in front of the press of this country, to have the private sector say how strongly they believe in this; that this is exactly the sort of legislation they want to see coming from Congress.

All those groups that I just mentioned, they all had an opportunity to help us craft this legislation, as did other Senators who had an interest. It did not matter if you were Republican, Democrat, conservative, liberal—if you had an interest and you wanted to be at the table, you helped us craft this. And it is meaningful as to what it is going to help us do in realigning the responsibilities of Congress with the partners in both public and private sector.

S. 1 is not about the merits or demerits of individual mandates. It is about having accurate information; about having a separate debate where Congress is encouraged to consult—to consult—with State and local partners. There have been a number of occasions where I have been a member of a Senate committee and we have witnesses who may testify upon some issue before us. And I have often heard State and local elected officials referred to as special interest groups. On those occasions, I point out those are not special interest groups, those are our partners. We say it, but we are not treating them as partners. This is going to establish a new partnership.

It is time that take place. I do not mean today. We are going to spend a few days on this legislation so, again, we can have a thorough discussion on this. This legislation is not retroactive. This is prospective. This legislation is not going to stop mandates. It does say, though, that if we have a Federal mandate on public entities such as cities or States, we need to pay for it.

I believe that the citizens of this great Nation have a simple message for us, and that is if you truly believe—if you truly believe—that we need to have a national program that may require a national mandate because that is in the best interests of this Nation, because that has a direct bearing upon our national environment, national public safety, national health, then just be up front and say it. Discuss it. We will understand.

But then, if you feel you must have this program, this mandate, do not shift the responsibility of the payments off to somebody else and somehow say we do not know how it will be paid for. We know how it will be paid for.

While we talk about unfunded Federal mandates, there is really no such thing as an unfunded mandate. They are all funded. And by and large they are funded by the taxpayers. That was the message of the private sector, the business people today. They are the ones at the local level who pay for these mandates.

While this term ''unfunded mandate'' is relatively new, there are different entities throughout the United States that have known for years what an unfunded mandate has been—teachers, for example. Teachers have known for years that every time a new Federal program came down the pike without the funds, it meant that the local budget would shrink even further. It would mean the difference between whether or not you could buy new textbooks for the kids. It meant whether or not you could shrink the size of that student-teacher ratio. It meant whether or not teachers might get a salary increase that particular year. But we keep shrinking it.

We should not be paying for national programs that are in the Nation's best interests with local property taxes. That is one of the few sources of revenue that these local governments have. Yet we say, because of what we do in Congress, you now must implement this and you have no choice. Approximately 15 percent of the local government's budget right off the top goes to pay for these unfunded Federal mandates. They do not have a choice.

You may have been a local official. When you run for office you say: These are the priorities of this city. If I am elected, this is what I will accomplish. If you are fortunate enough to be given that honor of serving those people in that local community, and you go in there with your list of priorities—guess what. Congress takes precedence over your priority list. It does not matter what the people who elected you believed that you would do for them. It may mean the difference of whether or not you can add additional police officers on the streets; whether or not you can fix the streets themselves. It has a direct bearing.

We had one of the Nation's leaders, Carolyn Long Banks, who is the president of the National League of Cities, who talked about this. She talked about the problem of crime in urban areas, cities, in rural towns; the fact, again, right off the top we have to take the money to pay for these Federal programs that may be hundreds and thousands of miles away from your community. But it is the difference whether or not you can put on an additional police officer who may help you curb some of that crime that is happening in your streets. Because you know it is a priority. Your citizens do not feel safe at night.

But what do we do? Now we say, if you have a problem where you do not have enough money back at the local level, then the Federal Government will provide the funds so you can hire additional police officers. If we would just leave that money at home in the first place and not use the Federal Government as the middleman—with the extremely expensive carrying charge of the Federal Government—you would be able to afford more police officers on the streets. But we say we know better. Local law enforcement is the prerogative of local government. Yet, now we have this national program that says if you need more police officers, we have a program and we will give you back your money. But it is now Federal money because we brought it to Washington, DC. That is not the way it should work.

S. 1 will allow us to have a constructive debate, a debate and a recorded vote, before we impose new mandates without the Federal funds to carry them out. That is the process. I do not know how people can object to that because, rather than abdicating our decisionmaking ability, we are going to enhance it. We are going to enhance our decisionmaking ability, and I think the American public will say: Hallelujah. Our Congress is now going to make these millions-upon-millions-of-dollar decisions based upon the information it needs.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am sorry I have not been here earlier but we have been working with the President, trying to cooperate with the administration on the matter of Mexico, which is very important. So we have been spending most of the day on that down at the White House.

I understand we have a slight problem here. I might say I did receive a letter from the President today supporting this measure, if that will have any impact on the other side of the aisle.

But it is our intent to finish this bill, and we will have some votes. As a former majority leader I learned all about votes. As a former majority leader, I learned how to get votes and one way is to move to table the committee amendment. I move to table the Levin amendment, and I ask for the yeas and nays.

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. FORD. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. There is a sufficient second.

The yeas and nays were ordered.

Mr. FORD. I suggest the absence of a quorum, Mr. President.

Mr. DOLE. We will just have two votes that way.

Mr. FORD. I understand that.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I Object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The bill clerk resumed the call of the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Ashcroft	Domenici	Levin
Bennett	Exon	McCain
Bond	Faircloth	Moynihan
Burns	Feinstein	Murkowski
Byrd	Ford	Simon
Campbell	Glenn	Simpson
Craig	Gramm	Smith
Daschle	Gregg	Snowe
Dole	Kempthorne	

The PRESIDING OFFICER. The Chair announces that a quorum is not present.

Mr. DOLE. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

Mr. LEVIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. A parliamentary inquiry is not in order at this time.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas [Mr. DOLE]. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Ms. SNOWE). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 3, as follows:

[Rollcall Vote No. 15 Leg.]

YEAS—88

Abraham	Feingold	Mack
Akaka	Feinstein	McConnell
Ashcroft	Ford	Mikulski
Baucus	Frist	Moseley-Braun
Bennett	Glenn	Moynihan
Bingaman	Gorton	Murkowski
Bond	Graham	Murray
Boxer	Gramm	Nickles
Bradley	Grams	Packwood
Brown	Grassley	Pell
Bryan	Gregg	Pressler
Burns	Harkin	Pryor
Byrd	Hatch	Robb
Campbell	Hatfield	Roth
Chafee	Heflin	Santorum
Coats	Hollings	Sarbanes
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simon
Conrad	Kassebaum	Simpson
Coverdell	Kempthorne	Smith
Craig	Kerrey	Snowe
D'Amato	Kerry	Specter
Daschle	Kohl	Stevens
DeWine	Kyl	Thomas
Dodd	Lautenberg	Thompson
Dole	Leahy	Thurmond
Domenici	Levin	Warner
Dorgan	Lieberman	Wellstone
Exon	Lott	
Faircloth	Lugar	

NAYS—3

Breaux	Helms	McCain

NOT VOTING—9

Biden	Jeffords	Nunn
Bumpers	Johnston	Reid
Inouye	Kennedy	Rockefeller

So the motion was agreed to.

The PRESIDING OFFICER. A quorum is present.

COMMITTEE AMENDMENT, PAGE 10 LINE 15–PAGE 11, LINE 3

The PRESIDING OFFICER. The question is now on agreeing to the Senate majority leader's motion to lay on the table the first committee amendment. The yeas and nays have been ordered.

Mr. LEVIN. Madam President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Is the amendment which is subject to the tabling motion the first Governmental Affairs Committee amendment?

The PRESIDING OFFICER. The Senator is correct

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] and the Senator from Oregon [Mr. PACKWOOD] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Georgia [Mr. NUNN], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 38, as follows:

[Rollcall Vote No. 16 Leg.]

YEAS—53

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Bennett	Gramm	Murkowski
Bond	Grams	Nickles
Brown	Grassley	Pressler
Burns	Gregg	Roth
Byrd	Hatch	Santorum
Chafee	Hatfield	Shelby
Coats	Heflin	Simpson
Cochran	Helms	Smith
Cohen	Hutchison	Snowe
Coverdell	Inhofe	Specter
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kyl	Thompson
Dole	Lott	Thurmond
Domenici	Lugar	Warner
Faircloth	Mack	

NAYS—38

Akaka	Exon	Levin
Baucus	Feingold	Lieberman
Bingaman	Feinstein	Mikulski
Boxer	Ford	Moseley-Braun
Bradley	Glenn	Moynihan
Breaux	Graham	Murray
Bryan	Harkin	Pell
Bumpers	Hollings	Pryor
Campbell	Kerrey	Robb
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Wellstone
Dorgan	Leahy	

NOT VOTING—9

Biden	Johnston	Packwood
Inouye	Kennedy	Reid
Jeffords	Nunn	Rockefeller

So the motion to lay on the table the first committee amendment was agreed to.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, the majority leader is physically unable to come to the floor for the next several minutes, so I am going to proceed, now, on his behalf.

The next six committee amendments are purely technical in nature. They deal with renumbering paragraphs. These will be necessary when we do the managers' amendment and add back in the last committee amendments that we just dealt with.

It is with this in mind that I would like to ask the Senator from West Virginia if we could adopt committee amendments numbered 2 through 7 en bloc?

Mr. BYRD. Mr. President, does the Senator make that as a unanimous-consent request?

Mr. KEMPTHORNE. Mr. President, that would be my intention, yes.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. KEMPTHORNE. I will yield.

Mr. BYRD. Without his losing his right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I will have no objection to that request, if I understand it. The distinguished majority leader came over to me during the vote and explained to me that the committee amendments, to which the distinguished Senator from Idaho has referred, are merely renumbering amendments. They are not substantive amendments. And he indicated that he would like to get consent en bloc to—if I understand it?

Mr. KEMPTHORNE. Mr. President, to the Senator from West Virginia, you are correct. This is simply renumbering paragraphs.

Mr. BYRD. Yes.

Mr. President, if the Senator will yield?

Mr. KEMPTHORNE. Yes.

Mr. BYRD. I do not intend to object.

Mr. KEMPTHORNE. I appreciate that.

Mr. BYRD. And I will not take but a few minutes.

Mr. President, this illustrates why we should have time to study the bill and the committee report. And we have now been assured that there will be, not only the committee report by the Committee on Government Affairs but also a report of the Committee on the Budget, made available. And I believe that report is expected tomorrow, to be available.

I am not here to filibuster this bill. I made that clear, eminently clear, I think, earlier today. If I, indeed, wanted to filibuster I would not agree to this request. I would simply have a vote on each of these amendments. But I do not intend to do that. I do not intend to do something that at this point is unreasonable, in my judgment. I am not filibustering the bill. I am not against the bill. I want to know what is in it before I vote, one way or the other.

It is a clear indication I did not know what was in these amendments, even. I asked the managers of the bill earlier today, how many amendments there were, committee amendments? I could have gone through the bill and I could have noted the strikeouts and inserts and counted them myself. But I had not done that. I have been very busy doing other things. I think I know how Napoleon felt when he was banished to Elba. I have a nice little corner room down here now. I had a great suite, Appropriations Committee suite of five rooms. When the electorate turned out a few weeks ago and votes had been counted, I called Senator HATFIELD after the election to congratulate him. I said, ''I want to congratulate you. Now that you are going to be chairman of this committee again, I want you to know that I am moving everything out and taking the pictures off the wall so that you will be able to move back in.'' So he thanked me, and he said, ''Robert, I want you to have that corner room down there.'' That corner room was part of the appropriations suite. And I thanked him. I was very appreciative of that.

So I have been joking, after having had to give up four other spacious rooms, that I am now in the corner room. I have said to various and sundry people that I think I know how Napoleon felt now as he stood there banished to Elba with his hands crossed behind him and looking out upon the sad and solemn sea. I feel like Napoleon. Here I am in this little room here, and all I can look out upon is the Reflecting Pool.

So I have been busy. I have been pretty busy moving out of five rooms and trying to condense everything into one. So I have been very busy. I have not read the bill. And I simply felt that we ought to move a little more slowly, have an opportunity to study this bill, and study the committee report so we would know what is in it.

Mr. DOLE said to me that these amendments, to which the distinguished Senator from Idaho has referred, are simply renumbering amendments. They are not substantive amendments. I do not want to do something vain. The Scriptures tell me that all men are vain but one should not do a vain thing. That would be a vain thing for me to put the Senate through several votes. If I were filibustering, I would not mind that. But I will not want to do that. But Senators put requests on five or six amendments that are real but amount to nothing but renumbering amendments.

So I am not going to object to that request. I must say, however, that I had indicated earlier that the Senate would not vote on any amendments. And to Senators who may be unfamiliar with the procedural senatorial process around here, voting on an amendment is voting up or down. To table an amendment is voting in relation to an amendment. It is not a vote on an amendment one way or the other. It accomplishes the purpose of killing the amendment.

So my question to the distinguished Senator would be—and I voted with the majority to table this amendment. I frankly did not know what I was tabling. I have not had any opportunity to know what is in this bill. That underlines my point that we need a committee report, and we need to slow this thing down a little so we can study it. Would it be the intention of the majority at some point to attempt to restore this first amendment which was tabled?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, in response to the Senator from West Virginia, that is correct. We believe that the amendment that was just tabled, which was a committee amendment agreed to unanimously by the committee, yes, that should be restored. In speaking with Senator GLENN, it would be our intention that be included in the managers' amendment package.

Mr. BYRD. If that amendment is restored, then the Senate would also need to restore the numbers on the committee amendments that are included in the request of the distinguished Senator from Idaho and restore those numbers also, I assume.

Mr. KEMPTHORNE. Yes. Mr. President, the Senator from West Virginia, by moving to these numbers now, that would prepare us, as I understand it, so that when we do add back in the amendment we just tabled this will now wind up.

Mr. BYRD. You would have to change the numbers back, though.

Mr. KEMPTHORNE. No; this is really in preparation for that.

Mr. BYRD. So what we are doing at this point, let us see if I can find it, we would be saying by the Senator's unanimous consent request that amendment 2, which is numbered, which has the number 17, and by his request is being made 16? Is that correct?

Mr. KEMPTHORNE. Mr. President, that is correct.

Mr. BYRD. Does it not follow then that if in due time amendment No. 1 is restored, would the number, the numbers that are being renumbered now, would they not have to be restored to their present stature?

Mr. KEMPTHORNE. Mr. President, no. In response to the Senator from West Virginia, if we look at page 10, line 15, and line 19, where we see the numbers 15 and 16, that amendment dealt with both of those that we had a motion to table. So by proceeding then with this current what will be a unanimous consent request, when that is added back in, these numbers that we are altering and at this point—I go to page 11, line 4—that would then read 16.

Mr. BYRD. Yes.

Mr. KEMPTHORNE. So that, again, once we add back what has been referred to as the Levin amendment, these numbers that we are now going to alter, realign, will be lined up in anticipation of adding the Levin amendment back in.

Mr. BYRD. Very well. These are not substantive amendments, and I, of course, have already stated that I do not intend to impose an objection.

May I ask this question: Does the Senator have any additional information with respect to the committee report that we have been promised would be available to Senators tomorrow? Does he have any information as to what time tomorrow the committee report might be available?

Mr. KEMPTHORNE. Mr. President, in response to the Senator from West Virginia, we anticipate that the latest would be 10 a.m.. We will try to get

that even sooner. But we anticipate no later than 10 a.m.

Mr. BYRD. Very well.

Mr. President, I have no objection to the request.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. If I might ask a question on what we just struck with the tabling motion, I believe the distinguished Senator from Idaho said that we would put that back in the committee amendments that would be approved later. Since it has just been struck by, or will be tabled, will we need separate action to officially put that back in, or can we legally put that back in?

Mr. BYRD. No; it would take an action by the Senate.

Mr. GLENN. It would take action by the Senate to undo what we just did, I gather. Is that correct?

Mr. KEMPTHORNE. Yes. Mr. President, that is my understanding. What I would anticipate is that the two floor managers would agree that we would include that in a managers' amendment that would then be brought before the body.

Mr. GLENN. Since it was just tabled, can we legally do that without further action of the Senate, to put back in what was just tabled? I guess that is a parliamentary question. Will the Chair give us advice on that?

The PRESIDING OFFICER. The Senator will restate his question.

Mr. GLENN. We just tabled a provision that was in the bill when it came over here. We are proposing—or the floor manager on the other side is proposing that—and it is an important part we want to get back in the bill some way—he is proposing that this be part of the committee's amendments which was part of the original unanimous-consent request. Having just tabled this as an official action of the Senate, can we do that on our own and put it back in without official action of the Senate to permit us to do that—to approve putting that back in the committee amendment in toto with all of the others that are lined up in that? I think I stated that clearly.

The PRESIDING OFFICER. It would be in order for the Senate to adopt an amendment that contains that language as well as other language.

Mr. GLENN. Well, I am not sure I understand yet. We could put that back in. If we agree to it, we can put that in as part of the committee amendment, without any further action by the Senate, in light of what occurred on the tabling motion.

The PRESIDING OFFICER. The Senate would have to adopt that amendment.

Mr. GLENN. There would have to be official action to undo what we just did to permit us to put that back in the committee amendment; is that correct?

The PRESIDING OFFICER. The Senator from Ohio is correct. Is there objection to the request?

Mr. BYRD. Mr. President, I do not think the Senator made the request.

Mr. KEMPTHORNE. That is correct. I appreciate the courtesy of the Senator from West Virginia for allowing us to proceed with this.

EXCEPTED COMMITTEE AMENDMENTS 2 THROUGH 7

Mr. KEMPTHORNE. I ask unanimous consent that the committee amendment Nos. 2 through 7 be considered, en bloc, and agreed to, en bloc, and the motion to reconsider be laid upon the table.

Mr. BYRD. Reserving the right to object, and I do not intend to object, I want to be sure about this. This is the first time I have really had an opportunity to look at this bill, when the majority leader came over and explained to me that all we are talking about is numbers. I want to make sure that the Senator is not including the amendment on page 12, beginning on line 7.

Mr. KEMPTHORNE. Mr. President, that is correct. This does not include that which begins on page 12. It would be my understanding that the item that the Senator from West Virginia is referencing would be the next amendment before us, after we deal with this unanimous-consent request.

Mr. BYRD. I have no objection.

Mr. GLENN. Reserving the right to object, Mr. President. I just want to make certain what we are doing. One part of this we thought was important, on page 25, lines 11 through 25, deals with the jurisdiction of committees, that part that was stricken by the Budget Committee. And I want to make certain that that section I just referenced is not dealt with in the amendments the Senator is proposing.

Mr. KEMPTHORNE. Yes, that is correct. In fact, this unanimous-consent request only deals with those amendments, or changes to this legislation, up through page 11, and no further.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KEMPTHORNE. Mr. President, again, I thank very much the Senator from West Virginia for his understanding and his courtesy in allowing us to move this bill forward.

We have talked a great deal about the process itself. We have talked about a number of issues. But I thought, if I may, I would like to just bring it home, literally, and give you a few ideas from my State of Idaho on what this is about.

Fairfield, ID, is a rural community of about 450 people. It is located along U.S. Highway 20 between Mountain Home and Sun Valley. It is a great spot, with wonderful people that live there. You will not find finer people. This tiny town is facing a staggering expense because of unfunded Federal mandates. In fact, the mayor says he is fighting to keep the city from going bankrupt from costly Federal regulations. New water standards required $3,000 in copper and lead tests just last year. The sewer discharge regulations forced the city to make $360,000 in repairs to its treatment lagoons. Now, $40,000 of that cost came from the city's budget. That is over half of the entire water-sewer fund's annual budget; over half of the annual budget was required to be utilized for that purpose. Potentially, the costs are even higher.

Mayor Reuben Miller says that Federal storm water management programs would cost Fairfield about $5 million to pave roads, install gutters, and build drainage ponds. If carried out, it would cost each Fairfield household $175 per month for the next 20 years. That is $175 per month for the next 20 years for the households in Fairfield, ID.

''The solution,'' says the mayor, ''is to allow us flexibility to figure out how we will do it and over what period of time.'' If we go on with business as usual, there will be a lot of towns in trouble. The mayor sums up the whole problem simply: ''Let the local people determine their own fate.''

Mr. President, that is not to say that we are going to turn our backs on some of these very meaningful programs that may be in the Nation's best interest. But I do believe it allows latitude so that once we establish standards, let us recognize that based on local geography, geology, climate, and economy, that they should have flexibility in using their own innovation and utilizing what resources they have to meet those standards.

Senate bill No. 1 gives us a process so that we can go through this and so that we can ask, ''Is this truly in the best interest of the Nation? Does it exceed $50 million? And if it does, how do we pay for it?''

St. Maries, ID, has some very serious problems. It is in the northern part of our State. It is a beautiful community, where the St. Maries and St. Joe Rivers come together. Their problems are coming from the Federal Government. Like every other community in America, they have to figure out a way to meet new Federal drinking water standards. Since the 1930's, their water has come from the same crystal-clear mountain source, and for 65 years the people of St. Maries have gotten along just fine with their drinking water system. But because their drinking water is surface water, the 2,800 residents of St. Maries are looking at a $3 to $5 million price tag in order to comply with the new standards.

For the last year, St. Maries has been working with the State of Idaho on some interim measures, and they have worked well together. But the bottom line is that, at some point, they are going to have to come into compliance. St. Maries will have to go to its residents to figure out a way to raise up to $5 million to fix a problem that does not exist. That is $1,785 for every man, woman, and child in St. Maries. To make matters worse, St. Maries is already trying to pay an $870,000 bill from the last Federal mandate. The

bottom line is that is a lot more money than that community has. So city leaders are struggling with how to come up with the money to meet the Federal mandate requirements. I imagine their frustration as they discuss a 30-year bond, knowing full well somebody is going to change the standards on them long before the note matures.

In Moscow, ID, where the University of Idaho is located, property taxes and user fees went up 73.5 percent in fiscal year 1994, largely because of unfunded Federal mandates. Property taxes and user fees went up 73 percent. User fees have gone up to pay for a new solid waste transfer station and a $15 million upgrade to the city's waste water treatment plant.

Sewer rates for single-family households in Moscow, ID, population about 18,000 people, tripled to pay for these unfunded Federal mandates.

I can tell you about a situation from Boise, ID. I was the mayor of Boise, ID, for 7 years. We had a water treatment plant in that community and because standards were changed, the Boise Water Corporation had to go and put in a new treatment plant. This was done, Mr. President, not because of any increase in customer load, it was not done not because of any health risk, it was not done to increase the efficiency of the delivery of water, it was done because some standards were changed, at a $15 million cost to those citizens, which equated to about a 40-percent increase in their utility payment for water.

The Parks Department spent $1.9 million for removal of underground storage tanks meeting Federal playground standards and remodeling facilities to meet the Americans With Disabilities Act.

The city personnel department ran up $610,000 cost for complying with the Fair Labor Standards Act. There are many, many of these different examples.

Now does that mean that every one of these things should not be carried out? I am not saying that. Does it mean that there is no way that the communities would not be required to continue funding these programs?

S. 1 is not retroactive. It is not retroactive.

And also there may be instances where we just determine that, for whatever reason, we are not going to provide those Federal dollars to carry out some portion of the program. But in order to do that, Mr. President, the process says that you need to come to the floor of the Senate, because a point of order will lie against that. Because if you do not provide 100 percent of the funds, then it is ruled out of order from the Chair. But a Senator can seek a waiver. And, perhaps, based on the CBO analysis, based on this analysis, based on these cost figures, we believe that we should have a waiver, and then the majority rules and we grant that waiver. That is how the process should work.

But all across this country, you hear the mayors, the county commissioners, the Governors saying, ''Please restore the relationship of a partnership with Federal Government. We are your partners.''

And I know that some people will pose different hypothetical situations, and when they pose those hypothetical situations they will say now, ''How will it be? Give us your determination. Does this fit or does it not fit?''

And the answer is, Mr. President, in many of those hypotheticals, I cannot make that determination. But the process will work where if, in fact, we meet some of those hypotheticals in the future, then we will determine if a point of order really does apply.

A point of order is not self-initiating. A Senator has to make that point of order. But we will then make decisions as we then take what today may be a hypothetical but tomorrow is a real situation, then we can discuss it. But we will not be discussing it based upon just what some of us may or may not know from some conversation or something we have read. We will be discussing that based upon information provided to us both by the authorizing committee and by the Congressional Budget Office. We will know if there is a fiscal impact. We will know the cost of that impact. So that when we have that discussion, we will know exactly what it is all about and then we can make that determination of does it apply or does it not apply? I think that is how it should work. But we will be reestablishing that process.

And as we have worked with this process, I have received a number of letters from people all over the country. A lot of folks tune into C–SPAN and stay abreast of what is taking place in this Nation's capital, the issues that we are dealing with. And they say, ''You know, we did not understand what these unfunded Federal mandates were before, but we now are realizing that they are hidden Federal taxes. And we realize that you are advocating that we ought to discuss that instead of just pass them without any understanding of what the cost or impact will be.''

These mandates that we may place upon the private sector without an understanding of the impact—what impact do those mandates on the private sector have upon the Nation's economy, upon jobs, upon international competitiveness? We will know that ahead of time, because we will now require it.

A chairman or a ranking member can require that that sort of information be brought forward so that we will make informed decisions.

All of these different examples that we have discussed somehow cause some people to say that if we do not put all of these costs off on somebody else, if we do not put these costs off on the States and the cities, then the Federal Government will turn its back on some of these national issues that may deal with the environment, may deal with public safety.

That does not speak very well of Congress. That says we do not have much resolve. If we cannot use somebody else's money, we will not do it? Again, that is a real criticism of Congress.

Then people sometimes make the argument, because the U.S. Federal Government has a $4 trillion debt, there is no way that we could pay for any of these mandates. We do not have the money in the first place.

But that is supposing that somehow the State governments are flush with money, the local governments are flush with money, and so we will let them pay for it. We will make the decisions and then we will dictate how much out of every one of their treasuries must be used to carry out these Federal programs. That is not right. It is as though someone is saying, ''Well, but the Federal taxpayer is tapped out. The Federal taxpayer has a $4 trillion debt against his or her ledger and therefore we will just let the State taxpayer or the local taxpayer pay for this.''

The reality is there is only one set of taxpayers—the American taxpayers. They write out a check to the Federal Government, they write out a check to the State government, they write out a check to the local government. And so they would say to us, ''If it is a program coming from the Federal level, we just ask Congress to be up front about it. Take it out of the Federal account.''

That is straightforward. That is how we have to do it with our own budgets at home. Just stand up and be accountable. That is what S. 1 is about—accountability. So that we will know exactly what the impacts are, what the costs will be.

When we continue with this debate, we have discussed the fact that we want to make sure it is thorough. We want to make sure that every Senator who takes part in this discussion knows that they have been able to ask every question they need to ask to understand this legislation. Those who choose to offer amendments will know that they have every right to offer those amendments and that they will be considered with all respect. We will debate those amendments and determine what aspects, which amendments, may be worthwhile.

In my discussions with Senator GLENN, who is managing this for the other side, I believe we will be able to determine some of those amendments that we can agree on. We will put those in a managers' amendment and place them before this body so that we can accept them. Some will be perfecting in nature so that we can make some of those improvements to this bill.

I also know there will be amendments that people will offer that may be to provide exemptions. I do not know why people would want to exempt themselves from getting the information that this Senate bill 1 will provide. This is a critically important

piece of legislation. This is something that absolutely has the support of the Nation's Governors and mayors, county officials, and school officials. It has 63 Senators that support this, both sides of the aisle. And as Senator GLENN points out, the President, in a letter which we received this morning, supports this legislation, is ready to sign this legislation into law. That will send such a clear and joyous message to our cities, our counties, and our States. It has been absolutely bipartisan in its nature, as it should be.

Mr. President, when I say the bipartisan nature and the fact that other Senators have spoken earlier today, this evening, there have been a lot of nice comments made. I want to again, if I may just acknowledge that Senator GLENN, as chairman of that Senate Governmental Affairs Committee during the last session—before unfunded mandates was the politically hot topic—joined in this effort and played a key role in fashioning legislation that we could bring forward. Now Senator ROTH, as chairman of that committee, and the role that he is playing, Senator ROTH, Senator DOMENICI, and Senator EXON, chairmen and ranking members of those committees, the Budget Committee and the Governmental Affairs Committee, put in many hours during this last recess to fashion this. It was fashioned with the assistance of our partners in the public and private sector.

When we elect somebody at the local level, they tell their constituents that they will establish the priorities for those communities. But the irony is, with unfunded Federal mandates, we rob them of the ability to set priorities because they first and foremost must deal with what the Federal Government tells them they must do. That impacts what might be the normal list of priorities that they had. The irony, to continue, is the fact that without this process that we are now advocating, I do not know that we have had a meaningful discussion of our national priorities. So we would rob the local communities of their right to establish priorities, and yet at the national level because we have somebody else pay for it, because we do not have to determine that this particular program is more important than an existing program, therefore, perhaps, we should reduce that existing program to pay for this new program. It does not happen. But it should. And it will with this legislation.

I mentioned a little while ago about the responsibilities, the resolve of Congress. I believe that, as Members of Congress, if we identify that there is a true national need, whether it is public safety or public health, we need to identify it. The second thing we need to do is to develop the means or the program to correct it. The third thing is to provide the funds to carry it out. Why is it that we balk at that last responsibility? Why is it that we think that a national program that is enacted here in Washington, DC, should be paid for with local property taxes and Boy Scouts or St. Mary's or Moscow or Fairfield? Why would we do that? We talked about a representative government and yet that is not the sort of representation that our citizens expect from Members.

What other entity in the country could make multi-million-dollar/multi-billion-dollar decisions and have no idea what the real cost is before they make those decisions? If you did that in the business world, you would not be there very long. At the local level you cannot do that. Unfortunately, that is how the Congress of the United States has been operating.

Mr. President, with this bipartisan effort that has been fashioned, with the fact that the President of the United States in his letter today affirmed his strong support for this, I hope that we can keep this process moving. We are not going to rush through debate. Everyone will have every opportunity to say whatever they wish to say. I hope that we can keep this process moving forward so that we are not in a situation that good legislation is left sitting. There is too much at stake here. Too many citizens are saying, ''We want to have this legislation become law. We want to have this legislation become law now.'' That is what we will do with S. 1.

Let me, if I may, Mr. President, go over just a few of the items of this process itself. S. 1 defines a mandate as ''any act of the Federal Government which imposes an enforceable, nonvoluntary duty on a State'' if it has an annual cost in any year greater than $50 million or creates any new, stringent restriction in a Federal program which has an annual budget for State, local, or municipal governments in excess of $500 million.

Now, exempted from the definition of mandates, are bills or resolutions which enforce constitutional rights or enforce statutory rights prohibiting discrimination based on race, religion, gender, national origin or disability; and require compliance with auditing requirements; or the result of an emergency or national security.

Mr. CONRAD. Mr. President, will the Senator yield for a question?

Mr. KEMPTHORNE. Mr. President, I yield.

Mr. CONRAD. I thank the Senator.

Mr. President, I have just come from a discussion with a number of others who were asked a series of questions about the legislation before Members, and we were asked a series of questions that I did not know the answer to. I would be pleased to have a chance to put them to one of the authors of the legislation.

The first question that was put to me some time ago, some moments ago, was, if we pass an increase in the minimum wage, would that require us to reimburse local and State units of government for the expense of that increase in the minimum wage?

Mr. KEMPTHORNE. Mr. President, to continue my comments, and in response to my friend from North Dakota, using that as an example, as a hypothetical, again based on what I stated earlier—I am not here to make all of the determinations—but let us just follow that for a second.

A minimum wage, following S. 1, would say that CBO would give an estimate as to cost. A point of order may or may not be placed against that. It would require, of course, a majority vote of the Senate to vote to raise the minimum wage.

Then the question is, is that impact greater than $50 million on the public sector? If it is, then, again, a point of order may or may not be made against that.

I would imagine that if there were an increase in the minimum wage, there would either not be a point of order made against that, with regard to the public sector, or if there was, I would think that a waiver, in all likelihood, would be granted because I do not envision that we would feel that we need to pay the minimum wage increase for the public sector, knowing that the private sector must pay for that.

Mr. CONRAD. I thank the Senator for that answer.

If the Senator would permit. Another question that was just asked of me was a question with respect to the Federal Reserve. If the Federal Reserve took action to increase interest rates and States that were issuing bonds, as a result of that, had an increase in their expenses, would a point of order lie against that action? Would there be the possibility that local units or the State governments could say to the Federal Government: ''You have to reimburse us for the increased costs we experienced because the Federal Reserve Board has ordered an increase in interest rates.''

Mr. KEMPTHORNE. Mr. President, again, we would go through it. I do not know that that would be a nonenforceable voluntary duty. But the committee where this would originate would make a determination in the committee whether or not they felt that was a mandate. That authorizing committee's report would go to CBO, and they would cost this out.

But, again, I do not know that a point of order would be made against that. This is one of many hypotheticals that would be presented. But the key to this whole legislation is that if a point of order lies against that, then you come down here. You may have from CBO or from the committee itself the analysis as to the rationale as to why a waiver should be granted, and a majority vote would make that determination.

Mr. GREGG. Mr. President, will the Senator from Idaho yield for a question as a result of that question just asked?

Mr. KEMPTHORNE. Yes.

Mr. GREGG. I believe there are a number of independent agencies not covered by this bill and, therefore, to

which this bill would not be applicable. Maybe I am not current of the present status of the bill, but as it left the Budget Committee, as I recall, the Federal Reserve was not included as a covered agency under this bill, and, therefore, Federal issues of raising the interest rate, as I understood, would not be subject to this bill on the face of the bill itself; is that incorrect?

Mr. KEMPTHORNE. The Senator is absolutely correct.

Mr. CONRAD. So in that case, it would seem to me, it would not qualify because the Congress is not taking any action with respect to a Federal Reserve action. And so we would not have a legislative vehicle before us that would relate to an action by the Federal Reserve.

If I might ask a third and final question that has been asked of me and, in this case, was asked of me yesterday. Utilities back home have now become concerned about this legislation. At least they have expressed concern to me.

The concern that they have raised is, ''Look, if public units can be in a position to avoid mandates, let's say certain provisions of the Clean Air Act or other environmental legislation that might be considered by Congress, and the private sector is not exempt, that could put us at a competitive disadvantage against public power authorities.''

And so private sector companies have contacted me in the last 24 hours and have said, ''Gee, we're concerned about this. Are we going to be put in a position in which we are placed at a competitive disadvantage over and against public power authorities?''

Will the Senator have any answer for that question?

Mr. KEMPTHORNE. Yes. Mr. President, that is an issue that I have discussed with some private entities, and the Senator is correct. Some utilities have expressed a concern about that. Senator COCHRAN earlier today also brought that issue up, and we were able to have a discussion along these same lines.

The point is, in the legislation itself, and as a result of some of those discussions with the private sector, we have language which says, and I will quote:

> . . . a statement of the degree to which a Federal mandate affects both the public and private sectors and the extent to which Federal payment of public sector costs or the modification or termination of the Federal mandate is provided under subsection—

Such and such—

> would affect the competitive balance between State, local or tribal governments and the privately owned businesses.

So we have asked that there be a statement, there will be an analysis as to whether or not in any way does this create some sort of imbalance between the public and private sector.

One of the companies, one of the successful companies in the country, Browning-Ferris, had a concern about this, along these lines. If I may, I would like to read the Senator a letter that I received January 11. It says:

> We appreciate the attention you have given to views we previously expressed in connection with unfunded mandates legislation. We expressed our previous views at a time when one of our concerns was that unfunded mandates legislation could have retroactive effect. It is evident that S. 1 has a prospective effect only, which we understand was your intent all along.
>
> After reviewing the legislation that will be considered on the floor and after discussions with your office, we recognize that among your objectives for S.1 is creation of a favorable climate for the private sector. In fact, S.1 seeks creatively to address the concern expressed in some quarters that unfunded mandates legislation could disadvantage the private sector where public-private competition takes place. Moreover, after many years of experience in working with you—most of them prior to your tenure in the Senate—BFI in convinced that your dedication to free enterprise is unsurpassed.
>
> With you commitment to assure equality for the private sector—no more, but no less—where competition exists between the public and private sectors, we are pleased to strongly support S.1.

So I believe while we have acknowledged there may be an issue there, we have provided the language and the vehicle so it can be exposed. And then based upon that information, that would be, again, the rationale to come forward and make your case with your fellow Senators.

Mr. CONRAD. I thank the Senator for his response to the question.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I know there are others waiting to take the floor. One point to make here is if the $50 million is adequately funded in the bill, then the point of order would not lie. If it was not funded in the bill, then the point of order would lie. But at that point, a waiver then could be voted by a majority vote, and then it is taken up and considered, whether or not the funding is there, on what is right or not right.

Some of these issues that the Senator properly brings to our attention, like would minimum wage apply—things like that—those would be taken into account by the wisdom of the Senate at that point.

So it is not that we say you absolutely have to do this, or you absolutely have to do that. There is always that provision for coming back, and the Senate would debate it, the Senate would express its will and the Senate would say minimum wage does apply or might not apply, or whatever the other problems were my distinguished colleague suggested.

But you always have that come back for the Senate vote as to whether it will apply or not apply. So it is not an automatic thing that somebody gets knocked out and there is an arbitrary decision without the Senate being able to have full debate on the issue and decide how we should go.

Mr. CONRAD. I thank the Senator from Ohio, and I thank the Senator from Idaho.

Mr. KEMPTHORNE. I thank the Senator very much.

Mr. President, it is my understanding I still retain the floor.

The PRESIDING OFFICER. That is correct.

Mr. KEMPTHORNE. Mr. President, I know that the Senator from California has been here really many times today to speak on this issue. So I would like to ask unanimous consent that the Senator from California be allowed to make her comments but that I would be able to retain the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. FEINSTEIN. I thank the Senator very much.

Mr. President, I would like to rise in support of the pending legislation, and I would like to compliment both Senators KEMPTHORNE and GLENN.

Mr. President, let me speak for a few moments as someone who in the 1970's was President of a Board of Supervisors in local government and, through most of the 1980's, was Mayor. I saw the development of these unfunded mandates firsthand, and, in so doing, I think I probably speak for the mayors and the local officials all across this Nation.

Mr. President, in the 1970's, 22 new statutes were enacted imposing new regulations on State and local governments or significantly expanding programs. During the 1980's, while I was Mayor, 27 new laws with Federal mandates were added. The Congressional Budget Office has estimated that new regulations enacted between 1983 and 1990 imposed total costs of about $8.9 and $12.7 billion on States and local governments, depending on the definition of mandates used. Federal dollars during this time declined. Between 1981 and 1990, Federal dollars declined 28 percent, when the figures are adjusted for inflation, to satisfy these mandates.

The drop in Federal dollars shifted more of the costs on State and local governments, draining their resources and making it increasingly difficult for State and local governments to meet their budgetary requirements.

Let me speak about something I know well—California.

Unfunded mandates now cost the State $8 billion annually. Just in providing health, social services, educational and correctional services to illegal aliens, unfunded mandates are costing California more than $2 billion annually. The State of California, since 1978, has been under proposition 13 whereby local jurisdictions effectively cannot raise revenues to meet these mandates.

Now, rather than talk about my time in local government, let me give you some specific, current, ongoing examples of the impact that unfunded mandates are having throughout the State of California right now.

Let's talk about some specific California cities.

Let us take, for example, a city of about 120,000 people known as Sunnyvale, California. The city has identified a total of 202 mandates that they must meet. It has incurred costs for 103 of these mandates during the last 5 fiscal years. The total cost of these mandates has been approximately $77 million, representing 18 percent of Sunnyvale's total operating budget.

For example, Sunnyvale's compliance with environmental mandates accounted for 62.4 percent of the total costs of these mandates.

The general and other nonutility funds of Sunnyvale were impacted by a total of $7 million in the 1993 budget. This represents in excess of 10 percent of the total operating costs of the city government, roughly equivalent to the costs of operating the library plus half of the parks in a given year, or roughly equivalent to 70 percent of fire services for that community.

Again, the community cannot raise taxes to pay for it. The city estimates that one-third of the total single-family residence utility bills this year will be earmarked for compliance with State and Federal mandates.

Mr President, let me take the city of Los Angeles. Unfunded mandates again have placed a recent burden on that city. Federal mandates will cost Los Angeles $4.2 billion over the next 5 years. For example, the Federal underground storage tank regulations require leak detection systems and corrective action affecting 206 sites and 431 storage tanks in Los Angeles. Corrective action will cost in excess of $31 million over the next 5 years.

Compliance with the Safe Drinking Water Act will cost the city in excess of $245 million over the 5-year period. Costs to comply with the Americans with Disabilities Act are estimated to exceed $30 million. This includes costs for curb cuts, ramps, special bathrooms in public buildings, whether or not they are actually used.

Federal law now requires all highway projects financed with Federal gas tax funds be designed and constructed in metric measurements starting September 30, 1996. Revisions to all city standards, manuals, standard plans, ordinances, and other documents will be required. Also, new drafting and design equipment will be needed, along with some training. The Los Angeles Department of Transportation will have to replace 14,000 speed zone signs at a one-time cost of $1.2 million. The total cost to comply with this program—that is, just changing to a metric system—is $2.6 million. And this is just one small change.

Did anyone ever add up or, again, even know the cost when this bill was promulgated? I doubt it.

Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the county of Los Angeles has to significantly curtail other programs. For example, this year, Los Angeles County employees will have to forego cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed and all others will be open for a reduced number of hours. Recipients of welfare and public health services will face longer waits due to minimal county staffing levels.

Looking at the impact of immigration, Los Angeles County found that in 1991–1992, net county costs for services provided to legal immigrants, amnesty aliens, and illegal aliens and their citizen children were about $947 million, while county revenues received from this segment accounted for only $139 million.

Another example. The city of Fresno is required under the Safe Drinking Water Act to fit each of its 217 wells with expensive radon filtration systems. The city estimates the total capital costs of the system in the Fresno metropolitan area at $191 million and an annual operating cost of $26 million.

Considering the city currently has a $567 million budget with a very small percentage of discretionary dollars, the initial outlay and annual costs to comply with the radon standards could have a significant impact on Fresno.

According to the city, the cost of compliance with the proposed radon regulation would force water systems to drop more compelling programs with greater public health and environmental benefits.

For Stockton, CA, a city of 215,000 people, compliance with Federal mandated stormwater provisions of the Clean Water Act will cost the city approximately $1.2 million per year over the next 5 years or $15 to $20 per home. The city has the choice of either decreasing park and recreation, library services, or police services if the public will not accept the addition of a fee increase.

The Clean Air Act requires Stockton to spend approximately $2.2 million in capital costs and $100,000 in annual operating expenses to control landfill gas. Again, the city must either increase user fees or shift funding from parks and recreation, library services or public safety.

The Fair Labor Standards Act requires Stockton to pay overtime to firefighters who work more than 53 hours a week. As a result, the overtime costs Stockton an additional $400,000 a year and affects the city's ability to add public safety officers.

Let me give what I think are rather egregious examples from my own city, San Francisco.

The City of San Francisco is required under the Safe Drinking Water Act to comply with filtration mandates. The city would prefer to put more funds into watershed protection, which is cheaper and would make filtration unnecessary. But instead it is forced by Federal regulations to the more costly expenditure. Building a filtration plant would cost the city $500 to $700 million, while the cost for nonfiltration options range from $40 to $60 million.

Let me give another example. Candlestick Park, this weekend, will be sold out—a major NFL game.

A while back one person sued the City saying she did not have a seat as a disabled person at a game. The city came together and formed an agreement. But under the Americans with Disabilities Act, the Department of Justice is now saying that the agreement is not good enough. The city will have to spend $5 million to build another 600 seats for disabled at Candlestick Park.

What is the rub? The stadium is sold out this weekend. There are 7,000 seats for disabled already, and they are not filled. Yet someone in Justice is saying the city must build another 600 seats.

I submit, the real problem is that once the bills are passed and the regulations are drafted by someone in a department, there is no telling what can happen.

While I was Mayor we would engage in consent decrees with all parties and someone in the Federal Government would say no, that is not acceptable to us. You must spend more money and to it our way. I think this is what is happening throughout the United States. It certainly is throughout the State of California.

Compliance with the Americans with Disabilities Act will cost San Francisco $8.2 million in fiscal year 1995 in spite of conflicts with other code requirements. For example, safety cells for suicidal inmates in the new jail built to meet strict Federal codes say there should be no hard objects, such as bars, inside, and that there must be a lip on the floor by the door to keep fluids inside. However, the Americans with Disabilities Act requires bars by the toilet and a floor that a wheelchair can roll into.

San Francisco faces other costs in fiscal year 1995 arising from unfunded mandates—$149.1 million for sewage treatment facilities required by the Clean Water Act; $830,000 for scrubbers and boiler retrofit to comply with the Clean Air Act; $3,090,000 to remove asbestos; $2,910,000 to test for lead, and $500,000 to implement drug and alcohol testing programs for employees responsible for operating certain vehicles as a condition of receiving Federal transportation funds.

Mr. President, I believe it is unfair for the Federal Government to impose mandatory regulations on localities without providing the necessary funding to implement them. I feel very strongly that Congress must be responsive to the fiscal constraints under which local and State governments operate.

Mr. President, S. 1 provides the kind of relief which State and local governments want and need.

It requires:

Any bill or amendment imposing a Federal mandate of more than $50 million on a State or local government

must include a Congressional Budget Office estimate of the mandate's cost and the funds to pay for the mandate.

If the bill or amendment imposing the mandate is to be paid for by future appropriations, the bill must provide that the mandate will be eliminated if moneys are not appropriated or scaled back to the level moneys are appropriated.

Any bill or amendment without the CBO cost estimate and funding will be ruled out of order, but a point of order can be laid against it and overturned by a constitutional majority.

CBO must consult with State and local governments in determining the costs of Federal mandates. Good. Finally.

Federal agencies must consult with State and local governments in determining the costs of mandates in Federal regulations. Good. Finally.

Any bill or amendment imposing a Federal mandate of more than $200 million on the private sector must include a CBO estimate of the mandate's cost. Good.

Laws or Federal rules enforcing civil and constitutional rights, national security or treaty obligations, emergencies, and voluntary programs, as exempted.

I urge my colleagues to support this important legislation.

Mr. DOLE. Mr. President, will my colleague yield just for a unanimous consent request that when she finishes her statement, that I be given the floor rather than the Senator from Idaho, Senator KEMPTHORNE? I ask unanimous consent that I be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. Mr. President, I agree with the distinguished Senator from California. As a strong supporter of the Americans With Disabilities Act, I think as in every case where you have regulation or regulators, some become too zealous. We have had examples in our State.

I happen to think the Americans With Disabilities Act was a major civil rights piece of legislation. But, unfortunately, many people feel we ought to make drastic changes because the rule of reason has not prevailed in some of the regulations. And those are certainly some examples I had not heard, but there are other examples that I think make the same point the Senator from California just made.

So I hope we can revisit some of these things that we have done, supported, believe in, and, hopefully, apply the rule of reason in some of those cases.

Mr. President, I just say to my colleagues, I do not want to stay here too much longer this evening but we will be here tomorrow. And we will have votes tomorrow.

Hopefully we can work out some arrangement. I think the staff is now looking at a number of other committee amendments that are technical in nature, to see if the Senator from West Virginia might be willing to let us adopt those committee amendments. If not, there will be probably at least—maybe—no more than one additional vote this evening.

Mr. President, what I will propose in a few moments, after I have had an opportunity to understand what I have here before me fully, is that we consider the remaining amendments en bloc with three exceptions.

I think we started out this morning with two exceptions. We would add a third exception because one of these amendments, I understand, is a bit controversial. So it would be my hope if we could sort of get back to where we were this morning we have not lost everything today, 10 o'clock to 10 o'clock, if we could then probably table the other three amendments. There will be one this evening and the other two tomorrow.

I do not know if my colleague from West Virginia has had an opportunity to look at the request.

I will just indicate that I will not propound the request, but the request would be that the agreed-to committee amendments be 8, 9, 10, and 14, and except out amendments 11, 12, and 13. Committee amendment 11 starts on page 25; committee amendment 12 on page 27; and committee amendment 13 on page 23. It is my understanding that those amendments, those three amendments, are somewhat controversial. So I would not ask unanimous consent that they be agreed to.

Mr. BYRD. Mr. President, reserving the right to object, let us try to make something clear here. The distinguished majority leader, of whom I am very fond and for whom I have a great deal of admiration, and whom I want to congratulate for keeping the Senate in following the swearing in—not going out, staying here, and getting some work done—I congratulate him on that. I think the distinguished majority leader probably does not understand why I have taken the role that I have taken today. He was not on the floor when I explained it.

I am not for this bill; I am not against this bill. This bill was brought to the floor. There was a unanimous-consent agreement to call it up today. I had some problems in acceding to that agreement. I was told that there would be a committee report. I want to see a committee report. I was told in good faith, I am sure, that there would be a committee report filed on the evening of the day before yesterday, Tuesday evening, and that this bill would then be called up on Thursday. I agreed to that. I had in mind the Budget Committee report. I am not on the Budget Committee. I am not on the Governmental Affairs Committee. I have not had an opportunity to study this bill. But I read somewhere that in the Budget Committee, the minority Members wanted a committee report to be filed. They wanted to file some minority views.

I read, or was told, that those Members of the minority were denied that right and that a vote was taken, and they were voted down, which is all right. There is nothing that says that the measure has to have a committee report. Nothing says that. But the minority wanted one. If all Members had agreed there would be no committee report, that would have been one thing. But the minority was denied what it wanted, a committee report.

I daresay if the shoe had been on the other foot, the distinguished majority leader—and he is truly a distinguished majority leader; he is the only Senator here, other than myself, who has been majority leader twice and has been minority leader twice—the majority leader would have been on this floor doing his very level best to get a committee report, and I would not blame him. He would stand right here and use his extensive knowledge of the rules to try to get a committee report. That is all I have asked for is a committee report.

Well, I was told that there would be a committee report, told in good faith. I am sure everybody acted in good faith. But there was a miscommunication, a misunderstanding. I was told in good faith there would be a committee report filed that evening. So I came in the next day and asked for it; no committee report. So then I was told it would be filed last evening. I came in this morning and asked for it; no committee report. And on the first occasion when I was asked by our Democratic leader if I would have any objection, I said, ''Yes, I want a committee report.'' He came back and said, ''There will be a report filed this evening'', meaning Tuesday, and they would have that report, and the effort would be made to bring up the bill on Thursday. He said, ''Do you have any objection to that?'' I said, ''Well, that is all right with me. We will be getting a committee report.'' That is what I want, and would have a day in which to study it. I said, ''Please ask Senator EXON and Senator BOXER,'' I mentioned those two in particular, ''and the other Senators of the minority on the Budget Committee, if that is agreeable to them.''

Obviously, if I had known that the bill that was going to be called up here would be a bill reported out of the Committee on Governmental Affairs, I would not have asked the leader to go check with Senator EXON and Senator BOXER. I am not blaming anybody for that. I was just operating on the understanding that I had read some comments in the news after we talked about the Budget Committee report. Here we are today, and the effort is being made to rush this bill. I took the position that we should not be in a hurry, that we ought to have a committee report. It seems to me that is a reasonable request. I am not on the committee. I can agree to a committee report and have some understanding of it. But I am sure I am not the only

Senator here who needs to see a committee report. Inasmuch as one had been requested and the request has been voted down, I felt that there must be some minority views and we ought to be able to read them.

So my purpose today, Mr. President, has not been to filibuster this bill. I have said that. I have not acted like a filibusterer yet on this bill. When the motion to table was made, if I wanted to filibuster, I would move to recess. That motion has precedence over a motion to table, and I can make other ones if I wanted to be dilatory. That is not what I am seeking to do. I am not seeking to stop this bill. All I am seeking is to stop action on it until we know what we are doing, those of us who are not on the committee and who do not have access to a committee report.

This is an important bill. This is not just a simple sense-of-the-Senate resolution. This is an important bill. I have not asked for a committee report on many of the bills that come up here, but I have read that this is a major bill.

I have read that this is a major bill in the Contract With America. I do not know what is in the Contract With America. I have been very busy trying to readjust to moving, to being banished to the Island of Elba. It has taken me a little time to readjust to that situation. I hope I will have the sympathy of all Members in that respect. So I have been right busy trying to readjust pictures on the wall. I put a picture on my desk of my little dog Billy. You know what? Well, I felt pretty low after the election and especially after being ''banished to Elba,'' and but for the kindness of the new chairman of the Committee on Appropriations, I would not even have ''Elba.'' I would be standing there like Napoleon with my hands folded behind me and looking out to the sad and solemn reflection pool. I have a picture of my little dog Billy on my desk—and, of course, I have my wife's picture on there, too, but I cannot get a quick laugh looking at my wife like I can looking at Billy. When I get low, I look at Billy and then I laugh. It gets me out of the doldrums. I have been busy, I say.

But I want to make it clear to the majority leader that all I am trying to do is get a committee report before we take action on the amendments. We are not going to act on amendments. We might table amendments. If the distinguished majority leader wants to emasculate this bill by moving to table amendment after amendment of the Senate, fine, I will help him. I will vote with him. I do not know what I am voting on, but I will just vote with him to emasculate the bill, and we will start on another amendment. We are not going to vote on an amendment—meaning up or down on an amendment. If the distinguished leader wants to emasculate the bill, that is one thing. I want to make it clear that I have no problem, no problem, with having some votes on substantive matters, up or down, once we get a committee report from the Budget Committee and have an opportunity to study it. That is all I am trying to accomplish. I have been assured we will have the committee report. So, in essence, I have accomplished what I set out to do. I still do not think we ought to vote on any matter involving this bill. If the distinguished majority leader wishes to call up something else and vote on it—any nomination or something—I have no objection to voting. But I do not intend to vote up or down on any amendment to the bill until we get the committee report and have an opportunity to study it.

I say, again, something else the majority leader did not hear me say earlier today, I am not seeking the role of being a traffic cop. I have been majority leader and minority leader. I got irritated when people on my own side, I thought, set themselves up to be traffic cops. I am not seeking that role. But I think I have a legitimate peeve here, if I might use that word. I am making a legitimate request. I think we are entitled to a committee report from the Budget Committee, and I stated earlier today why the Budget Committee. I think the American people are entitled to know what is in this bill. I am entitled, and the Senators are entitled, to know what is in the bill. That is all I am seeking. That is all I am seeking.

If the distinguished Senator wants to move through the rest of these amendments and move to table, I will vote with him on it, but we are not accomplishing much when we just table something. I do not know what I am tabling, but I will help him if he wants to move to table. But I must say to the distinguished majority leader that I cannot give consent to adopting these amendments, en bloc, because some of them are really substantive amendments. I do not know what we are adopting en bloc. The majority leader is a reasonable man, and I try to be a reasonable man. That is why I had no problem with agreeing to the renumbering, en bloc, of those amendments a while ago. I stated in the Senate that until the majority leader pointed out to me what those amendments were, I did not know.

So I will sit down in a minute, but I will object to this request for the reasons stated, and I do so apologetically, in a way, because I just do not want to put Senators in the trouble of having to sit around here. I would rather go home to see my little dog Billy and my wife Lady Byrd. The Senator knows I continue to love him, but I cannot accede to his request at this time.

Mr. DOLE. Well, I thank my friend from West Virginia. I would like to get my little dog, Leader, and your little dog, Billy, together, but not tonight.

Mr. BYRD. The Senator would do me a big favor. I have seen Leader; he is quite a dog. I do not have a picture of him to put on my desk to lift my spirits. All I have is my little dog, Billy.

Mr. DOLE. I think Truman had it right. In any event, I do not really quarrel—I think there has been a miscommunication, I say to my friend from West Virginia. And maybe I will accept the blame, although I thought I understood it properly. But we have had available, as of today at 11:40, the report from the Committee on Governmental Affairs. That report is available, with minority views.

The Budget Committee report is printed in the RECORD at page 783. Senator DOMENICI put that in the RECORD last night. It is in this morning's RECORD. I understand that report will be available at 10 o'clock tomorrow morning with, I guess, minority views from three members of the Budget Committee.

But I say to my friend from West Virginia, I think we believed we were acting in accordance with an agreement we had made—the two leaders—so we could take up the bill Thursday and hopefully get an agreement on amendments, total up a finite number, not be in on Friday, out on Monday; but I think because of the lack of communication, we have not been able to obtain that agreement. We have not given up trying.

It is my hope that at 10 o'clock tomorrow when that report is available,—I do not want to keep Members here just moving to table. And you are right, you can move to recess. We can do a lot of things. But I do believe we will have to be here tomorrow and, hopefully, when the report is available, then we can proceed. If we table all these amendments—we have accepted No. 2, 3, 4, 5, 6 and 7; No. 1 has been tabled. Would the distinguished Senator from West Virginia be agreeable to having one motion to table all the remaining committee amendments rather than having seven or eight votes?

Mr. BYRD. If the leader will yield, I have no objection if the Senator wants to move to table them all. I am not here fighting this bill or supporting it. Before we vote up or down on an amendment, I want to know what we are voting on. If the distinguished majority leader wants to table them, fine. There will have to be action by the Senate to put them back in at some point. I say to the distinguished majority leader, I am not playing any games.

Mr. DOLE. I am just suggesting that might be one way. But if the report is available at 10 o'clock tomorrow, I assume the Senator from West Virginia has no objection to us proceeding. One report is available and has been available.

Mr. BYRD. Yes, I know that. May I say to the leader that it would depend upon the circumstances at the time. We may want a little time to look at the report.

Mr. DOLE. But it is available in the RECORD.

Mr. BYRD. That is not a committee report. I do not know whether all the members of the minority had an opportunity to present their views or not.

There is a great difference between the committee report and the statement of the Senator in the RECORD.

Mr. DOLE. The majority views will be identical to what you now find in the RECORD at page 783.

Mr. BYRD. I have no objection to tabling. I am not going to vote up or down on any committee amendment, until we get this report. If the report had not been denied to the minority, I would not have been alerted. But that raised a flag with me. So I simply am trying to be honest and sincere with the leader.

I do not want to vote on any amendment until we get that Budget Committee report, because it is that Budget Committee report that I think Senators ought to have, in addition to the report that is here.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I indicated earlier that in the Budget Committee statement—maybe not technically a report—it contained all but the minority views. But I am advised now that it does contain the minority views of the Senator from North Dakota [Mr. CONRAD] and the Senator from California [Mrs. BOXER]. The only minority views that are not included are the views of the Senator from Nebraska [Mr. EXON].

So I think, again, not to belabor the point, but somewhere along the line there was a miscommunication. And I do regret that it happened, because I think in this instance we have some legitimate amendments to this bill that ought to be debated. It is a bill that is supported by the President. It has strong bipartisan support. We would like to at least start getting into it.

We have a number of amendments on this side. I do not know how many amendments on that side; somebody said as many as 30. That does not mean they will all be offered. But it is an indication that we have a lot of work to do even to complete action on this bill by, say, Thursday of next week.

We will do our best to have the other committee report available. The same thing is in the RECORD, except for the views of Senator EXON. We hope to have that available no later than 10, maybe as early as 8 a.m. in the morning.

In the meantime, I will move to table the next committee amendment, and announce that this will be the last vote this evening.

I know there is a very important briefing tomorrow that I think every Member should attend on Mexico. I believe that would be at 10 a.m. in room HC–5. It is in the new add-on to the Capitol. All Members, Senators and Members of the House, are invited. Mr. Greenspan will be there. Mr. Rubin will be there and other members of the administration. It is a very important briefing. We met with the President today. I hope that everybody on both sides of the aisle will be there at 10 o'clock.

There is some morning business, so I would suggest we come in at 9, and at 10 o'clock we recess from 10 until 11 and be back on the bill at 11. I will get that consent later, but just so Members will know, there will be no further votes after this vote. And I will ask for the yeas and then yield to the Senator from Ohio.

Mr. BYRD. Has the Senator completed his motion?

Mr. GLENN. I ask that he withhold that.

What is it we are about to vote on?

Mr. DOLE. It is committee amendment No. 8. It adds a new section to the Budget Act. The amendment stipulates several of the definitions which are unique to this new section of the Budget Act would only apply to this section. It is on page 12, line 6 through line 9.

Mr. BYRD. Does the Senator move to table?

COMMITTEE AMENDMENT ON PAGE 12, LINE 6 THROUGH LINE 9

Mr. DOLE. Mr. President, I move to table the committee amendment and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. This will be the last vote tonight.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Kansas [Mr. DOLE]. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS], the Senator from Vermont [Mr. JEFFORDS], and the Senator from Kansas [Mrs. KASSEBAUM] are necessarily absent.

Mr. FORD. I announce that the Senator from Delaware [Mr. BIDEN], the Senator from Arkansas [Mr. BUMPERS], the Senator from Hawaii [Mr. INOUYE], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Georgia [Mr. NUNN], the Senator from Arkansas [Mr. PRYOR], the Senator from Nevada [Mr. REID], and the Senator from West Virginia [Mr. ROCKEFELLER] are necessarily absent.

The PRESIDING OFFICER (Mr. NICKLES). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 35, as follows:

[Rollcall Vote No. 17 Leg.]

YEAS—54

Abraham	Domenici	McCain
Ashcroft	Faircloth	McConnell
Baucus	Frist	Murkowski
Bennett	Gorton	Nickles
Bingaman	Gramm	Packwood
Bond	Grams	Pressler
Brown	Grassley	Roth
Burns	Gregg	Santorum
Byrd	Hatch	Shelby
Chafee	Hatfield	Simpson
Coats	Heflin	Smith
Cochran	Hutchison	Snowe
Cohen	Inhofe	Specter
Coverdell	Kempthorne	Stevens
Craig	Kyl	Thomas
D'Amato	Lott	Thompson
DeWine	Lugar	Thurmond
Dole	Mack	Warner

NAYS—35

Akaka	Feinstein	Levin
Boxer	Ford	Lieberman
Bradley	Glenn	Mikulski
Breaux	Graham	Moseley-Braun
Bryan	Harkin	Moynihan
Campbell	Hollings	Murray
Conrad	Kennedy	Pell
Daschle	Kerrey	Robb
Dodd	Kerry	Sarbanes
Dorgan	Kohl	Simon
Exon	Lautenberg	Wellstone
Feingold	Leahy	

NOT VOTING—11

Biden	Jeffords	Pryor
Bumpers	Johnston	Reid
Helms	Kassebaum	Rockefeller
Inouye	Nunn	

So the motion to table the committee amendment on page 12, line 6 through line 9 was agreed to.

Mr. BROWN. Mr. President, today I rise in strong support for S. 1, the Unfunded Mandate Reform Act of 1995, which I have cosponsored with Senator KEMPTHORNE. I cannot think of a more fitting topic for the first bill to be introduced in the Senate in the 104th Congress, and I thank Senator KEMPTHORNE and his staff for the hard work and leadership that they have provided in bringing S. 1 to the floor today.

Despite the warning over 200 years ago by Senator Randolf against ''the most delicious of privileges''—that of spending other peoples money, Congress has repeatedly indulged itself by creating Federal mandate after Federal mandate without any consideration of the costs of these programs to States, local governments, and private citizens. The concept is quite simple—Congress creates Federal requirements, but shifts the bill for these programs to State and local governments and private citizens.

Unfunded mandates have inflicted serious harm on this Nation. First, they threaten to destroy the dual federalism envisioned by the Constitution. Unfunded Federal mandates attempt to reduce States to the role of collection agents and enforcers for the Federal Government; a role that violates the letter and spirit of the 10th amendment. Second, unfunded Federal mandates destroy the ability of people to decide for themselves what role they want for State and local governments. Unfunded Federal mandates reduce the amount of money available for law enforcement, education, healthcare, and

economic development, which are most efficiently provided at the State and local level. Third, unfunded Federal mandates have allowed Congress to avoid taking responsibility for raising taxes to pay for Federal programs. These mandates have been painless for Congress, because it made other people pay for its pleasures.

However, in November 1994, the American people made it very clear that they would no longer tolerate the imposition of unfunded mandates from afar, particularly by a Congress that would not even live under the same laws that it established for others. S. 1 represents the first step towards forcing Congress to ensure that it pays for Federal mandates and respects the role of States and local governments in our Constitutional system. S. 1 also helps to fulfill our obligation to the American people that we legislate openly, fairly, and in their best interest.

The core principal of S. 1 is that unfunded Federal mandates must be identified in advance so that Congress can make an intelligent decision about the relative costs and benefits of proposed legislation. A fundamental principal of responsible behavior is that you must at least stop and think about the consequences of your actions. Unfortunately, Congress has often violated this principle by enacting laws creating Federal programs without even any knowledge of, information on, or thinking about the nature and scope of the Federal mandates contained in the legislation. As a result of the irresponsible imposition of unfunded mandates:

The State of Colorado is forced to spend over 23 percent of its general fund on Federal mandates.

Garfield County may be forced to close a branch office that was opened so that country residents would not have to drive 40 miles to the county seat.

The city of Trinidad must close the only landfill in Las Animas County, and its citizens will be forced to truck their trash to a new landfill over 100 miles away.

The town of Haswell, with a population of 69 people, has been told that it must spend one-fifth of its annual budget of $30,000 on drinking water tests alone.

A small mobile home park was told that its 20 families may have to spend $500 per family annually for testing their water supply.

S. 1 will help stop this irresponsible behavior because Congress will have information from the Congressional Budget Office about most Federal mandates which would be created by proposed legislation. This information will also allow people to hold Congress accountable for its decisions to spend their money. With S. 1, Congress will no longer be able to evade the consequences of its actions on States, local governments, and private citizens.

Spending other people's money is bad enough. It is even worse when we spend borrowed money that must be repaid by future generations. That is one of the reasons why I have also cosponsored a resolution for an amendment to the U.S. Constitution that would limit deficit spending. However, as Senator Tom Norton, President of the Colorado Senate, and Representative Chuck Berry, Speaker of the Colorado House of Representatives, testified at the January 3, 1995, field hearing on the Balanced Budget Amendment, States are concerned that the Federal budget not be balanced by the use of unfunded mandates to shift the cost of Federal programs to the States. While S. 1 takes a significant step toward providing States with assurance that the Federal budget will not be balanced at their expense, I share the concerns of the leadership of the Colorado General Assembly, and will soon introduce a resolution for a Constitutional amendment that would provide permanent protection against unfunded mandates.

The time has come to respect the sovereignty of the States and to treat State and local governments with fairness. The need for S. 1 cannot be questioned. As others have mentioned today, it is supported by a bipartisan coalition of States and local governments from across this Nation. I ask unanimous consent for leave to include within my remarks today some of the many requests for help on the issue of unfunded mandates from local governments in Colorado.

Finally, I would note that one of the reasons that Senator KEMPTHORNE speaks with so much authority on this issue is that but a short time ago the distinguished Senator was the mayor of the city of Boise, where he experienced the consequences of unfunded Federal mandates on the citizens of Boise. The obvious value of the Senator's experience in the real world provides an example of the need for term limits so that we ensure that Senators and Representatives do not lose touch with the people we serve.

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

BOARD OF COUNTY COMMISSIONERS,
Delta, CO., January 5, 1995.

Hon. HANK BROWN,
Grand Junction, CO.

DEAR SENATOR BROWN: In support of your "Unfunded Mandates" bill introduced today, please use these comments at your discretion.

Delta County, being a poor rural county, cannot accept the further burden of federal unfunded mandates: be they full or partial.

Serving our constituency through already existing mandated programs, i.e., Social Services, EPA policies on landfills, and other federal programs has stretched our budget beyond redemption at this point.

We fully support your actions in relieving local government of that burden.

Respectfully,

DONNA R. FERGANCHICK,
Vice-Chairman.

GARFIELD COUNTY
OFFICE OF ADMINISTRATION,
Glenwood Springs, CO., January 6, 1995.

Re unfunded Federal mandates.

Senator HANK BROWN,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR BROWN: I am writng you this letter at the request of the Chairman of the Garfield County Board of Commissioners, Commissioner Buckey Arbaney, on the subject of unfunded Federal Mandates. These mandates have cost our citizens a lot of money. Although some of them are desirable in regards to purpose, they all basically go far beyond common sense and waste taxpayers' dollars in trying to accomplish these purposes.

The most recent mandate that comes to mind is the American with Disabilities Act (ADA). The intentions of the act are good, but unfortunately the way it was drafted leaves a lot of interpretation up to litigation and the courts. From our perspective, this is a mistake. Also, in our opinion, the act goes far beyond what makes sense. While the ADA does have wording that relates to financial feasibility, our attorney tells us this "feasibility" criteria does not apply to government because we have the "power to tax". Therefore, the reasoning goes, nothing is not feasible to government in the long run.

Specifically, we have a building in the west end of the county that we purchased approximately 10 years ago for $250,000.00. This building houses various county functions in Rifle, such as Social Services, Nursing, and the County Clerk. This building is the primary source of these services for citizens living in the Rifle and Parachute area of Garfield County that would otherwise have to travel 30 and 42 miles respectively, one way, often times in inclement weather conditions. The engineering report we recently received put the cost to minimally comply with the ADA at $330,000.00. In spite of our "power to tax", this is not reasonable. We will have to consider closing this building. If this happens, all residents of these areas, regardless of their disability or lack thereof, will have to make the trip to Glenwood Springs. I guess this does accomplish "equal access," but it really does not make sense.

We are also operating our jail under a Federal court "consent decree." Basically this decree has us offering more services to our inmates than some of our law-abiding citizens are able to obtain and live under. The total cost of this decree would be difficult to quantify, but in the last year we have paid the American Civil Liberties Union and Federal Court designated attorney approximately $20,000.00 as well as a comparable amount of county staff expense just in trying to figure out how to comply with this "consent decree." We feel the requirements imposed upon local jails are not reasonable. It is currently costing the county $300,000.00 per year to transport and board prisoners in other jails due to perceived overcrowding of our facility by the Federal court. A considerable amount of these funds could be saved if we were allowed to manage our jail without the constraints of the "consent decree." Prisoners would still have a reasonable living environment. It seems like more reasonableness should be imparted to this "process."

Subtitle "D" is another mandate that we do not know the total cost of because they still can't tell us what it is we have to do. As you are probably aware, this legislation and subsequent regulation tells us how we must run our landfill—or does it? The latest word we have received is that we will probably have to drill our required monitoring wells to water. Our current wells are a little over

100 feet. It is estimated that they will have to go 700 plus feet to reach moisture. We still don't know if we will be required to line our landfill cells. Many of the rules drafted assume the worst possible environment and do not consider Garfield County's impervious soil, arid climate and geographic location at our solid waste facility. While the intentions of this legislation are generally good, again it is not being applied with common sense.

''Social Services'' or ''Welfare'' is another mandate that is causing a lot of expense but yet does not seem to be solving any problems. In the last 20 years expenditures for this program have increased 795%. This does not include food stamps. Our population has about doubled. In spite of this expenditure increase the problem is worse, not better. Could it be that we are treating symptoms here instead of causes? Doesn't this indicate that we are doing something wrong and that maybe we should try something different? This is an immense expense and one the county has no choice about. This program is mandated by the Federal Government and the State. If we try to do something different, the threat of sanctions and the Federal court are hanging over our head. Yet our county taxpayers contribute a substantial sum to this program over which they have little or no control. Our direct property tax contribution to this program in 1994 was $529,000.00, and that does not include other substantial items such as specific ownership tax and the county incentive money relating to child support enforcement.

I could continue on but I think this is enough to illustrate the point. If you need any further information, please let me know. Thank you for this opportunity for input.

Very truly yours,

CHARLES E. DESCHENES.
MAYOR, CITY OF FORT COLLINS,
January 5, 1995.

Hon. HANK BROWN,
U.S. Senator,
Greeley, CO.

DEAR HANK: I write you about two points. The first is unfunded federal mandates. The second is the problem created by uncoordinated, overreaching federal agencies.

Thank you for asking local elected officials for their concerns about federal mandates. Yes, we are concerned with unfunded Federal mandates. Local governments often become impoverished in their attempt to meet mandates.

For example, problems include complicated, overreaching legislation and regulations; extreme funding demands; and a resulting mushrooming of bureaucracy. Since tax money is limited, local funding of federal mandates also means important local needs may go unfunded.

We all agree, federal government must recognize the need for resources to develop solutions. It is critical fiscally and constitutionally to recognize the problems with unfunded mandates.

On beyond the mandates, it's the regulations, Hank. As you know, the U.S. Forest Service has withheld USFS lease renewals with Front Range cities in order to obtain water rights without going to water court as required by state and federal law. To complicate matters, the U.S. Fish and Wildlife Service entered the picture via the Endangered Species Act and, finally, the EPA joined in under the Clean Water Act. This has been extremely frustrating. These agencies acted independently of each other and failed to understand the needs of local citizens or state laws.

Further, when agencies develop regulations to implement federal statutes, we are often amazed at their interpretation of the statutes and the overreaching regulations or agency-by-agency interpretation of regulation which results.

Through you, we ask these regulators to coordinate their efforts so we can proceed instead of finding our efforts at responsible government stymied. I also am asking Congress, as our leaders, to help assure a spirit of unity. Not only would balanced organization decrease costs, but a true inter-governmental relationship would be enhanced. We need your help to lead more coordinated efforts.

Sincerely,

ANN AZARI,
Mayor.

OFFICE OF COUNTY COMMISSIONERS,
Pagosa Springs, CO, January 5, 1995.

SENATOR HANK BROWN: Due to the increasing demands of the federal and state governments to implement unfunded mandated programs, the Board of County Commissioners of Archuleta County Colorado is finding it extremely difficult to fulfill the demands of its citizens for needs that the county is itself responsible for. It has been the county's experience in the past few years that the federal government wants local governments to administer more and more of these programs without subsidizing the funding that is associated with these programs.

Sincerely,

DENNIS A HUNT,
Archuleta County Manager.

MONTEZUMA COUNTY BOARD
OF COMMISSIONERS,
Cortez, CO, January 5, 1995

U.S. Senator HANK BROWN,
Hart Office Building,
Washington, DC.

DEAR SENATOR BROWN: On behalf of the Board of County Commissioners for Montezuma County, we would like to take this opportunity to express our concerns about Federal manadates that are placed upon local Government without consideration for funding. Over the past two years we have completed a sub-title ''D'' landfill and complied with the Americans With Disability Act Both pieces of legislation have cost Montezuma County approximately $650,000 to comply with the new Federal legislation. We appreciate the opportunities to make our comments. If we can be of any assistance, please don't hesitate to give us a call.

Sincerely,

THOMAS K, COLBERT,
Chairman.

MESA COUNTY, COLORADO,
BOARD OF COUNTY COMMISSIONERS,
Grand Junction, CO, January 5, 1995.

Senator HANK BROWN's Office.

Attention: Craig Glogowski.

DEAR CRAIG: Here is some information for you. Please feel free to call me at 244–1605.

UNFUNDED MANDATES COSTS TO MESA COUNTY

Social Services (Diann Rice): $2,527,000.

Personnel—ADA (Nancie Flenard): $920.00—To produce manual.

Drug Testing (Dyreng): $32.00/test-drug.

Subtitle D (Landfill): $200,000 yr.

Courts (Judy Vanderleest): None—reimbursed by State.

Sheriff's Office: None—generally mandated by the State.

ADA–FTA req. on MesAbility: $4,000 yr. + $8,500 per vehicle.

Road & Bridge (Bob Carman): None.

Facilities (Mike Serra)—Tank Pulls 1992–1997: $469,338; ADA: $418,000 projected; Air Quality: $267,000.

Health Department: Not available at this time—in the middle of a measles epidemic.

Endangered Species: Not available today—staff member out of office today.

Sincerely,

JOHN CROUCH,
Chairman.

Woodland Park, CO, January 5, 1995.

Re unfunded mandates effect on the city.

Senator HANK BROWN.

DEAR SENATOR BROWN: The following is a list of unfunded federal mandates which have had significant negative financial impact on the City of Woodland Park and its citizens. Not included in the listing are the costs of overhead and administration of these mandates.

1. Compliance with the recently enacted Americans With Disabilities Act (ADA) has resulted in a City budget of $20,000 in 1994 and $10,000 in 1995 for expenditure to meet these regulations. A continuing budgetary appropriation eventually totaling an estimated $250,000 is anticipated over the next several years in order to reach compliance with the minimum standards contained in the Act.

2. In addition, the City will be required to randomly test a pre-determined percentage of our population of Commercial Drivers License (CDL) licensed employees for drug and/or alcohol use on an annual basis beginning January 1, 1996. These federal testing regulations also include the establishment of treatment and rehabilitative programs for those employees who may test positive. Estimated costs $2,000–$3,000 annually.

3. The City of Woodland Park recently completed a federally-funded road improvement project to install asphalt pavement, curb and gutter, grading, and roadside drainage improvements over 2.6 miles of existing streets. The cost of this project was $695,000, approximately $267,300 per mile. The City is presently under contract with the same contractor to provide the same kinds of improvements built to the same engineering standards but locally funded throughout the City, a project of 26 miles length, at a cost of $4.95 million, approximately $183,300 per mile. The Davis-Bacon wage requirement raised cost approximately 45.8 percent.

4. The City of Woodland Park recently constructed new wastewater consolidation and treatment facilities at a total cost of almost $6 million. The financial impact of compliance with Davis-Bacon wage laws increased the City's share of the project cost by an estimated $200,000.

5. The Safe Drinking Water Act (SDWA) requires testing for possible contaminants that have an extremely low probability of existence or of ever being a problem in our community. Our annual cost for this testing is about $5,000 per year. The SDWA also requires the City to treat the active water supply so that it will not be likely to corrode lead from solder joints in the small percentage of homes that were constructed just prior to banning lead based solder. This will be done at an annual cost of about $10,000, even though the repeated testing shows that simple flushing of lines before drawing drinking water does eliminate the problem.

We hope this is helpful and we wish you success in your efforts to address and correct these inequities.

If I can be of further assistance, do not hesitate to call.

Sincerely,

CLARKE D. BECKER,
Mayor.

RIO GRANDE COUNTY,
BOARD OF COUNTY COMMISSIONERS,
Denver, CO, December 28, 1994.

Hon. HANK BROWN,
U.S. Senator,
Washington, DC.

DEAR SENATOR BROWN: Thank you for requesting our input concerning unfunded mandates. It seems each passing day there are more and we do appreciate your efforts to correct this problem.

The first to mind and most costly to Rio Grande County has been Subtitle D of the EPA regulations concerning the construction and operation of landfills. Rio Grande County and Alamosa County have formed a Regional Landfill Authority for the construction and operation of a new landfill due to these regulations. Our present landfills do not meet these requirements. This one regulation will cost us over $1.7 million in construction. This figure would be considerably higher, but we have done as much as possible with county staff and equipment.

The second unfunded mandate that the County has been faced with is the Water Quality Act and Air Quality Act. We have been mandated to replace all fuel tanks which cost thousands of dollars. We also are having to obtain Storm Water Permit for our small airport and we believe shortly these Permits will also be required for our County shop facilities. This costs us in staff time to just keep up the quarterly, semi-annual and annual reports, and the updating of the policy.

The third unfunded mandate that we have had to comply with is the Department of Transportation's regulations concerning CDL's and now the new drug and alcohol testing. The County's Road and Bridge employees must obtain a CDL to operate our trucks which means the County is now paying the physical examines and paying for the CDL tests which run over $100 per test. Starting the 1995, we now have to do drug tests on 25% of all CDL's with hazardous ratings and then in 1996 all CDL's will need drug testing. Also in 1996 we will have to do testing for alcohol on 50% of our drivers. There are only several labs in the United States that are certified to do the testing of the samples. We are looking at around $42/drug test and presently do not have the fees for the alcohol test. The regulations also mandate comprehensive policies concerning the testing and the actions by the employer if a positive result is found. If a positive test for an employee is found, disciplinary action must be in compliance with the American's Disability Act (ADA). Under ADA, alcoholism is a protected disability. Drug use is not.

ADA and American Family Leave also are unfunded mandates that have impacted Rio Grande County. Just the staff time alone to get the policies written and adopted and educate all the employees has been very time consuming. Every employer has employees that will try to use these new ''rights'' other than the basic intent of the legislation.

Other unfunded mandates that are difficult to place an exact price tag on, are all the programs and regulations for welfare and medicaid. Many of these regulations are passed to the state and then to local governments without the local officials really knowing who is responsible for the drafting of the regulations. Eligibility for most of these programs is being lowered every day which results in more clients and more match by local funds.

Even though you requested information on unfunded mandates, we would also like to take this opportunity to express several other areas of concern we have, namely such regulations as the Endangered Species Act and the Wetlands Act. These two Acts are having major economic impacts on Rio Grande County. We basically have no timber sales in our National Forests due to the Endangered Species Act and environmentalists who are ''protecting'' us from ourselves. Having 75% of Rio Grande County owned by the Federal government and most being the National Forest Service, the timber industry is a major employer. Presently, the one lumber mill in Rio Grande County is obtaining their timber from New Mexico and northern Colorado. They cannot continue to do this and stay financially competitive. Agriculture and general development is being impacted by the Wetlands Act and many people are fearful to do any type of land improvement because of stories over zealous regulators who carry this Act to extremes.

We also want to urge your assistance in obtaining the balanced budget. We feel strongly that this legislation must be passed to save the nation. We urge your assistance in getting this legislation carried, but we want to see it as a Constitutional Amendment, not just an Act. This will make it very difficult in the future for other politicians to erode or repeal.

In closing, we are sad to hear of your retirement, but do thank you for the wonderful job you have done in representing Rio Grande County!

Sincerely,

VERN ROMINGER,
Chairman of the Board.

MT. PRINCETON MOBILE HOME
AND RECREATIONAL VEHICLE PARK,
Buena Vista, CO, June 9, 1993.

Hon. HANK BROWN,
U.S. Senate,
Colorado Springs, CO.

DEAR SENATOR HANK BROWN: We do support Bill S2900—regarding safe drinking water.

We do support safe drinking water, but the Government is imposing so many water tests, with a very high cost of testing being passed on to the water supplier.

In our mountain area of Colorado we have many small community water systems of which the Government will be putting out of business.

The State of Colorado tells us that our Laboratories here in Colorado are not equipped to do all of the testing that is required.

Our wells here in the Arkansas Valley have passed every test so far imposed with flying colors.

Our biggest problem is Congress passing these Bills, requiring so many more water tests which we have willingly provided in the past years. Now there is a High Dollar Cost with the increased testing of our water. A Quote from our State of Colorado—''Cost will be as high as $10,000.00, we are told to budget $1,000.00 per year.''

I received a letter regarding an Inorganic Test, the fee will be $1,600.00. They say our Labs can not handle all the Government Required tests—We'll have to send the test to out of State labs to meet the requirements.

We do not want the E.P.A. to take over, as all cost for their Job Security will be passed on to us.

We will be having a Water meeting in Buena Vista, Colorado on June 14, 1993 at 7:00 p.m. at the American Legion Hall, E. Arkansas and Railroad, Buena Vista, Colorado 81211. You are invited to attend. Your support would be greatly appreciated.

STATE OF COLORADO,
EXECUTIVE CHAMBERS,
Denver CO, January 4, 1995.

Hon. HANK BROWN,
U.S. Senate,
Washington, DC

DEAR HANK: I am writing to urge you to cosponsor S. 1, the Unfunded Mandate Reform Act of 1995, and to vote for the bill without weakening amendments.

As I said at the recent Senate Subcommittee hearing on the Balanced Budget Amendment, I believe most unfunded federal mandates are too burdensome and costly to the states and local governments. We have no room in our budgets for unfunded mandates which push important state services down the priority list. It is critical that states be given real, permanent protection against new unfunded federal mandates.

It is my understanding that the Senate Budget Committee and the Senate Governmental Affairs Committee will hear testimony on the bill later this week and will send it to the Senate floor for final action next week.

Congress now has a critical opportunity to redefine the federal-state relationship. I hope it will take advantage of the new political climate in Washington and enact constructive unfunded mandate reform legislation.

Again, I urge your strong support of this important measure.

Sincerely,

ROY ROMER,
Governor.

MORNING BUSINESS

AMERICAN TROOPS IN HAITI

Mr. MURKOWSKI. Mr. President, today one of America's sons was killed while serving with the Special Forces on duty in Port-au-Prince, Haiti. He is the first American serviceman to die while on this mission.

Where did this soldier die? Was he engaged in a battle with former supporters of General Cedras? No. This soldier died while he was monitoring toll booth operations on a road in Haiti. I will repeat that: The first American soldier to die in Haiti died while he was monitoring toll booth operations. He was shot by a passenger in a car at the toll booth.

Mr. President, why are American troops still in Haiti? General Cedras is gone. Aristede has been in power for more than a month. And still American forces remain in Haiti. And what are they doing? Monitoring toll booths and cleaning streets.

In this Senator's view, the return of our soldiers from Haiti is long-overdue. Their mission has been accomplished and they should not be performing local civil functions. It is a sad day when any American soldier loses his life in defending freedom. But Mr. President, it is totally absurd that this soldier was killed while performing a job he was neither trained for nor should have been doing.

I urge the President to bring the troops home now.

SENATOR KENNEDY'S SPEECH TO THE NATIONAL PRESS CLUB

Mr. DASCHLE. Mr. President, yesterday, one of our colleagues made a speech at the National Press Club that deserves the attention of all Senators.

Senator KENNEDY spoke of the timeless values and enduring ideals that Democrats share with the American people. He eloquently described the

successful fights Democrats led in past years to enact Social Security and Medicare; the fight for civil rights; the fight for an equal opportunity for all America's children, rich and poor alike; the great opening of opportunity through higher education; all the efforts to preserve what's finest about our national community.

And he set forth the challenges Americans face today, and the Democratic response to those challenges, for the working middle-class families of this country.

I addressed the same concerns last week, on the first day of the 104th Congress, when I introduced five bills that are directed at the goals of increasing the economic and personal security of working families, strengthening of economic foundations on which American prosperity rests, and reforming the Congress to reduce the influence of money in politics.

Senator KENNEDY spoke with the special passion that only he brings to politics, a passion that throws into sharp relief Democratic goals and the principles by which Democrats have sought those goals throughout this century.

I believe his words deserve a wider audience, so I ask unanimous consent that following my remarks, the full text of Senator KENNEDY's statement be reproduced in the CONGRESSIONAL RECORD.

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

ADDRESS OF SENATOR EDWARD M. KENNEDY: ''WHAT DEMOCRATS SHOULD FIGHT FOR—PRINCIPLES IS THE BEST POLITICS''

I want to thank Gil Klein for that generous introduction, and I am grateful to the Press Club for the opportunity to address you today.

I come here as a Democrat. I reject such qualifiers as New Democrat or Old Democrat or Neo-Democrat. I am committed to the enduring principles of the Democratic Party, and I am proud of its great tradition of service to the people who are the heart and strength of this nation—working families and the middle class.

I would have lost in Massachusetts if I had done what Democrats who were defeated in other parts of the country too often tried to do.

I was behind in mid-September. But I believe I won because I ran for health reform, not away from it. I ran for a minimum wage increase, not against it. I continued to talk about issues like jobs, aid to education, and job training. And I attacked Republican proposals to tilt the tax code to the most privileged of our people.

I stood against limiting welfare benefits if a mother has another child, and I will stand against any other harsh proposals that aim at the mother but hit and hurt innocent children. I spoke out for gun control, and against reactionary Republican proposals to abandon crime prevention as a weapon in the war on crime. I rejected the Republican double standard that welcomes government as benign when it subsidizes the affluent, but condemns government as the enemy when it helps the poor.

I ran as a Democrat in belief as well as name. This turned out to be not only right in principle—it was also the best politics.

I talked about the issues that mattered to working families, and about what I had tried to do to address their needs and concerns. I take some sense of pride and satisfaction that exit polling showed 89 percent of Massachusetts voters—by far the highest percentage in the country—said they had learned enough about the candidates and the issues in the Senate race to make an informed choice.

Our issues, if we defend them, are popular. The working families in New Bedford, Fall River, Lowell, Lawrence, Springfield and Worcester in my state voted for me, and they have the same concerns as working families throughout the country.

The caricatures of us by the other side will be ineffective—as long as we vigorously oppose them and expose them, instead of sheepishly acquiescing in them. If Democrats run for cover, if we become pale carbon copies of the opposition and try to act like Republicans, we will lose—and deserve to lose. As I have said on other occasions, Democrats must be more than warmed-over Republicans. The last thing this country needs is two Republican parties.

If we fall for our opponents' tactics, if we listen to those who tell us to abandon health reform, or slash student loans and children's programs, or engage in a bidding war to see who can be the most anti-government or the most laissez-faire, we will have only ourselves to blame. As Democrats, we can win, but only if we stand for something.

The election last November was not a ratification of Republican solutions. By the narrowest of margins, they gained control of Congress. But less than 40 percent of eligible voters turned out on election day, and only slightly more than half of those—about 20 percent—cast ballots for Republicans. Some mandate!

As the current controversy over the motor voter law demonstrates, Republicans thrive by depressing voter turnout. Intensity matters for Democrats. Turnout will certainly be higher in 1996—fifty or sixty percent higher. We must stand our Democratic ground. We must fight for the ideals that are the very reason for our party's being. We must prove to working families and average citizens that we are on their side, fighting hard for them. If we do, then Democrats will turn out and come home in 1996. The defeat of 1994 will be history, and we will be back, stronger than ever—not stale from the past, but renewed for the future.

But to achieve that victory, we must not repeat the mistakes of the past. We must make explicit to the American people our core values and beliefs which form the basis of our political philosophy and underlie our legislative proposals—specifically and most important, that we as Americans, with all our diversity, share a common purpose, a common sense of family, neighborhood, community and country, of fairness, responsibility, and decency.

Unfortunately, we have failed in the past to make these vital and important points as clearly as we should. We Democrats have always considered family, community, faith and love of country to be core values—the foundation upon which all of our proposals are based. But we allowed Republicans to take these values as their own. We assumed too quickly that our commitment to such values was self-evident in the proposals we made and the legislation we passed. We were wrong, and we paid a price because of it.

So let me set the record straight. Family, community, love of country, fairness, responsibility—all of these values underlie the philosophy of the Democratic Party. And these are the values that underlie and must underlie all of our legislative proposals.

This is not to say, however, that I believe these core values should be used as a superficial rationale for bumper sticker solutions to the complex problems we face. No, these core values require us to reject simple, easy answers which may make us feel good today, but do absolutely nothing to solve these problems. Our values oblige us to address these problems in a thoughtful and productive way.

We are, without apology, the party that believes in assisting the poor and the disabled and the disadvantaged—but not to the detriment of the hard-working middle class, which is justifiably frustrated and angry. The feel left out and left behind, because they know they are losing ground. They see the wealthiest Americans becoming wealthier. They see the poorest Americans being taken care of by society's safety net—which their tax dollars have put in place.

Americans are angry, and rightly so. Rapid economic change and surging global competition have made many jobs and people less secure. The vast majority of Americans are working harder and making less. Yet fair reward for work has always been essential to their hope of creating better lives for their families and their children.

As Democrats, we must address that anger and frustration. But the answer is not to create larger problems by dismantling the safety net, leaving the poor to fend for themselves. Such a result is not only inhumane, it is wrong and destructive to our country, our communities, and our values.

Nor is the solution to give more tax breaks to the wealthiest Americans, in hope that something will trickle down to the middle class. This country was founded on equal opportunity for all, not unequal opportunity for some.

Instead, we must be more responsive and give a greater helping hand to working families and the middle class. In this central battle for their minds and hearts, heritage and history are on our side. Recall the great victorious battles of the past—for Social Security and Medicare, for the minimum wage and the rights of workers, for civil rights and equal rights, for protection of the environment, for a Head Start for every child and the education of all children regardless of their parents' income, for family and medical leave, for opportunity for women and a woman's right to choose. By any standard, these were extraordinary achievements. And all of them were won because they were sought and fought for by members of the Democratic Party.

Let us not forget that many of these measures, which the American people now accept as part of our way of life, were opposed at the time by the majority of Republicans in Congress. Democrats bled—and suffered lasting battle scars for these victories. But there are few if any Republicans who would refight them or repeal them now.

These historic victories strengthened families, strengthened communities, and brought Americans together. They reflect the fundamental dedication of the Democratic Party to a sense of progress that embraces all Americans. Our achievements remind us of our roots, inspire us to fight harder now, and give us a credibility and a vision that history denies Republicans in fighting for the future.

Surely, the challenges we face in the 1990's are no greater than those we faced in other years. People want government to be more responsive to their problems and more effective in resolving them. I'm talking about basic things that make a difference in people's lives. A strong growing economy. A clear commitment to keep the current recovery going, and to keep the deficit heading down.Good jobs and decent wages where hard

work pays off in rising standards of living, not falling farther behind. Safe streets and neighborhoods. Schools that give students a good education. Child care and health care that are accessible and affordable to all. Rekindling the sense of community and patriotism, of shared values and individual responsibility, of service to others—to neighborhoods and the nation alike.

These ideals are, have always been, and must continue to be our Democratic priorities. And we made more progress on them in the last two years than most voters ever knew on election day.

But there is no profit in endlessly regretting the denial of credit to President Clinton and the Democratic Party for a remarkable record of achievement.

One reason for the lack of credit is that the President and the Democratic Congress took on a almost unprecedented array of tough challenges, and did not win every battle. Another reason is that we live in a period of vast economic and social transformation, in which the politics of fear is easily marshaled to overrun the politics of hope.

And another reason, I am convinced, is a Republican strategy of obstruction, distortion, and massive personal attack on the President and the First Lady. In the wake of this election, Democrats need to fight back for our beliefs, not turn our back on the Clinton Administration.

Blaming Bill Clinton by some in our party comes with ill grace from those who abandoned him on critical votes in the last Congress, then ran from him in the campaign—and then lost, often by wide margins. Now they come forward to advocate a strategy discredited by their own defeats.

My fundamental recommendation to the President is that he stay the course of change and do what he thinks is right. My advice to my fellow Democrats is that we work with the President for change—instead of seeking to change our principles, or distance ourselves from him.

No one wants a repeat of the Republican tactic in 1994 that made the ''G'' in G.O.P. stand for gridlock. We must try to reach across party lines—and build bipartisan coalitions to do the things the nation needs and deserves. This is an obligation on both sides, Republicans as well as Democrats. We must never forget that it takes two parties to be bipartisan.

I believe in free enterprise—but I believe in active government too. A practical way to blend them both and make government more effective is through what I have called public enterprise—using market forces wherever possible, not asking taxpayers to blindly pay for programs, but insisting that programs be genuine investments in a brighter future, and produce results commensurate with their cost.

There is no doubt that many programs are not successful. A federal program is not the solution to every problem. But there continues to be an important federal role in solving the problems of our society by investing in people and the infrastructure needed for our country to succeed and our citizens to thrive. To believe otherwise is hostile to the basic values of our country and to the historic concept of ''We the People'' in our Constitution. We must not rob the people of the resource of government. It is their government, and we must make it work for them.

We do need to streamline government and make it more responsible to average Americans. But as President Clinton said last month, people want government to be lean, not mean. There is a large difference between reinventing government and rejecting it—and an even larger difference between using government to promote the general welfare and misusing it to pander to the powerful and punish the powerless.

If we keep these truths in mind, we can find real solutions that work for health care, schools, and jobs, and achieve a rising standard of living for all. We can deal effectively with crime, welfare, race, and immigration—instead of allowing our opponents to keep on welding grievances, anger, suspicion, and even outright bigotry into weapons of mass destruction of their next campaigns.

Democrats can win the current debate on the budget and on tax relief for the middle class. Republicans can disguise their intentions all they want. But at the heart of the Republican plan are deep reductions in Medicare and Medicaid, and lavish tax cuts that favor the wealthy—especially their capital gains tax cut, the classic Republican tax break for the rich—trickle down economics at its worst. That is not what the 1994 elections were about, and the Republicans and the voters know it.

We must also resist our opponents's mindless anti-government vendetta against regulation—a rhetoric leading to an across-the-board assault on government that hides a multitude of injustices and indifferences.

Republicans wanted to get government out of the savings and loan industry in the worst way in 1980s—and they did. Deregulation ran amuck. The S & L mess became one of the most serious scandals in our history, costing taxpayers more than a hundred and fifty billion dollars.

So my advice to Republicans is to make sure there is water in the pool before they leap off their pro-business anti-regulation diving board. Government is there for a reason—to help people, including the middle class.

There are mounting needs and frustrations in this land. But it will only make things worse, not better, to shred the safety net, or deregulate health and safety. Nostalgia for a past that never was is not a policy for the future.

Where do we go from here? Let me outline some key priorities that should be part of our Democratic agenda for 1995, because they are part of our strategy to strengthen and invest in the community we call America.

No issue better represents the commitment of the Democratic Party to strengthen families and communities than the drive for comprehensive health reform. It is a total misreading of the election—and a deliberate misreading of the public will—to include this issue is no longer important or urgent.

For some in Congress, with their blue chip coverage under the federal government plan, health reform may be only a political game, where points are won or lost. But to the majority of Americans, it is a continuing worsening problem, where their health, their children and their family, their financial security, and often their best lives are at stake.

The real value of the average working family paycheck has been stagnant for many years, but the share that goes for health has soared. Excessive inflation in health costs means less and less of the paycheck is available for everything else. Millions of working men and women risk losing the insurance they have, if they change or lose their job. And for too many senior citizens and persons with disabilities, the high cost of prescription drugs and long term care has broken the promise of Social Security and Medicare.

Democrats fought for health reform in the last Congress, but we did not fight well. We made serious mistakes that contributed to our failure. But I am certain that in large part we were defeated because of the cynical Republican calculation that successful health reform would benefit Democrats at the polls and thwart Republican election goals. And so they settled on a strategy of relentless obstruction.

No one can know for sure. But I believe voters would have rallied to Democrats in 1994 if we had gone down fighting as hard as we could for health reform. Instead, we engaged in a search for a phantom compromise that our opponents never intended to achieve. We allowed the great debate in Congress to end without a vote—with a whimper, not a bang—and we must not make that mistake again.

Now, Republicans have had their election—and their victory. I ask them—and challenge them—to join us in fashioning a health bill and enacting it into law in 1995. Sit down with us for real. Get serious about coming to agreement. Bring Harry and Louise if you like—but let's expose special interest pleading for what it is. Shape a compromise that deals realistically with the problem, rather than treating each offer of compromise as a pretext for new demands—which is what happened last year.

It would be nice if the Republican Contract with America contained even a hint of this simple pledge—to give every American the same health care that the newly-elected signers of the Contract are receiving from the federal government. We are now making Congress abide by the same laws we pass for others. Why not give the American people the benefit of the same laws that Congress passes for itself?

A second major challenge, if we are serious about revitalizing our communities and investing in families and the nation's future, is reform in job education.

Today, we have scores of separate job training programs costing billions of dollars a year—and workers are not getting their money's worth. President Clinton and the Democratic Leadership Council are right to call for vouchers and greater reliance on market forces, so that workers can circumvent the bureaucracy and choose the training they want.

We must also focus more on outcomes. Too often, the path of least resistance has been to create more and more training programs—without the follow-through to see that they succeed in actually preparing people for jobs and placing them in jobs. We must reward those that are successful—and de-fund those that fall short.

We must do more to redress the widening gap between soaring profits and stagnant wages. We must insist that firms provide training for their workers. I make no apology for supporting a mandate in an area like this. Often, a mandate is the only practical way to assure that free enterprise is fair as well as free. Through the minimum wage, we ask business to invest in the lowest paid workers, and the time has come to ask business to invest in all workers by providing a minimum level of training.

Companies make choices. Some firms train their workers well, upgrade their skills, and offer good benefits. They treat workers as valuable resources, and still earn good profits. Other companies rely on a harsher strategy that exploits workers. They downsize. They lay off good workers. They hire part-time employees to avoid paying benefits. They cut corners on safety.

Congress should do more, not less, to encourage companies to do the right thing and prevent unfair competition from those that don't. Mandates make sense in areas like job training and health care. We must break the iron grip of a Gresham's Law of Business, in which irresponsible firms drive out firms attempting to be responsible.

A third major challenge to invest in our future and strengthen our American community relates to education. With college costs

rising—over $8,000 a year at many public universities and over $20,000 at many private colleges—the American dream is too often an impossible dream for many families.

Let's hold the line against even one cent of Republican cuts in college aid. How dare anyone offer a Contract with America that professes allegiance to the middle class, but that would slam college doors in the face of their children. Basic values are at stake. Let's strengthen the Department of Education not abolish it. Let's oppose and defeat education cuts that would be nothing more than federal aid for ignorance.

Finally, a top priority for this Congress is reform of the lobbying and campaign finance laws. No change will do more to strengthen our American community and make greater progress possible on every other issue than breaking the stranglehold of special interest groups and restoring government that truly represents ''We the People.''

We must end the power of special interest money and political action committees, and take elections off the auction block. We must make lobbyists disclose what they're doing in the back rooms to subvert the public interest. It is time to end the lavish gifts, meals, entertainment and expensive trips paid for by special interests.

A sunshine law for lobbyists will pay a dividend to you in the press as well, because it will enable you to expose what really happens in the ongoing battles between the special interests and the public interest.

These are major items on a Democratic agenda for recovery in 1995. But in a larger sense, they are at the heart of a constructive and needed American agenda to restore the sense of family and community, of caring for one another, and of building a brighter future that will once again reflect this nation at its best.

In all this, we must understand that sometimes the task of a great political party is to face the tide—not just ride with it—and to turn it again in the direction of our deepest convictions. We will lose our way—and our elections—if we abandon our principles and drift with the shifting politics of the moment.

Let's renew our cause as Democrats. Let's hold our standard high and advance it proudly. Let's be who we are, and not pretend to be something else. And if we do, we will have a strong and winning case to take to the American people in this new Congress and in all the years ahead. The Republican majority will be a transient one, and Democrats will be proud to be Democrats again.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a treaty which were referred to the appropriate Committee on the Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

PRESIDENTIAL APPROVALS

A message from the President of the United States announced that he had signed the following bills and joint resolutions on the dates indicated:

February 22, 1994:

S.J. Res. 119. Joint resolution to designate the month of March 1994 as ''Irish-American Heritage Month.''

March 17, 1994:

S. 1789. An act to amend title 23, United States Code, to permit the use of funds under the highway bridge replacement and rehabilitation program for seismic retrofit of bridges, and for other purposes.

March 24, 1994:

S.J. Res. 56. Joint resolution to designate the week beginning April 11, 1994, as ''National Public Safety Telecommunications Week.''

S.J. Res. 162. Joint resolution designating March 25, 1994, as ''Greek Independence Day: A National Day of Celebration of Greek and American Democracy.''

S.J. Res. 163. Joint resolution to proclaim March 20, 1994, as ''National Agriculture Day.''

S.J. Res. 171. Joint resolution to designate March 20 through March 26, 1994, as ''Small Family Farm Week.''

March 25, 1994:

S. 1926. An act to amend the Food Stamp Act of 1977 to modify the requirements relating to monthly reporting and staggered issuance of coupons for households residing on Indian reservations, to ensure adequate access to retail food stores by food stamp households, and to maintain the integrity of the food stamp program, and for other purposes.

April 6, 1994:

S. 1284. An act to amend the Developmental Disabilities Assistance and Bill of Rights Act to modify certain provisions relating to programs for individuals with developmental disabilities, Federal assistance for priority area activities for individuals with developmental disabilities, protection and advocacy of individual rights, university affiliated programs, and projects of national significance, and for other purposes.

S. 1913. An act to extend certain compliance dates for pesticide safety training and labeling requirements.

April 11, 1994:

S. 476. An act to reauthorize and amend the National Fish and Wildlife Foundation Establishment Act, and for other purposes.

S. 1299. An act to amend section 203 of the Housing and Community Development Amendments of 1978 to provide for the disposition of multifamily properties owned by the Secretary of Housing and Urban Development, to provide for other reforms in programs administered by the Secretary, and to make certain technical amendments and for other purposes.

April 14, 1994:

S. 1206. An act to redesignate the Federal building at 380 Trapelo Road in Waltham, Massachusetts, as the ''Frederick C. Murphy Federal Center.''

April 28, 1994:

S. 2004. An act to extend until July 1, 1998, the exemption from ineligibility based on a high default rate for certain institutions of higher education.

April 30, 1994:

S. 1636. An act to authorize appropriations for the Marine Mammal Protection Act of 1972 and to improve the program to reduce the incidental taking of marine mammals during the course of commercial fishing operations, and for other purposes.

May 4, 1994:

S. 375. An act to amend the Wild and Scenic Rivers Act by designating a segment of the Rio Grande in New Mexico as a component of the National Wild and Scenic Rivers System, and for other purposes.

S. 1574. An act to authorize appropriations for the Coastal Heritage Trail Route in the State of New Jersey, and for other purposes.

S.J. Res. 143. Joint resolution providing for the appointment of Frank Anderson Shrontz as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 144. Joint resolution providing for the appointment of Manuel Luis Ibanez as a citizen regent of the Board of Regents of the Smithsonian Institution.

S.J. Res. 150. Joint resolution to designate the week of May 2 through May 8, 1994, as ''Public Service Recognition Week.''

May 6, 1994:

S. 2005. An act to make certain technical corrections, and for other purposes.

May 11, 1994:

S. 1930. An act to amend the Consolidated Farm and Rural Development Act to improve the administration of claims and obligations of the Farmers Home Administration, and for other purposes.

May 16, 1994:

S.J. Res. 146. Joint resolution designating May 1, 1994, through May 7, 1994, as ''National Walking Week.''

May 18, 1994:

S. 2000. An act to authorize appropriations to carry out the Head Start Act, the Community Services Block Grant Act, and the Low-Income Home Energy Assistance Act of 1981, and for other purposes.

May 19, 1994:

S. 341. An act to provide for a land exchange between the Secretary of Agriculture and Eagle and Pitkin Counties in Colorado, and for other purposes.

May 25, 1994:

S.J. Res. 168. Joint resolution designating May 11, 1994, as ''Vietnam Human Rights Day.''

May 26, 1994:

S. 636. An act to amend title 18, United States Code, to assure freedom of access to reproductive services.

S. 2024. An act to provide temporary obligational authority for the airport improvement program and to provide for certain airport fees to be maintained at existing levels for up to 60 days, and for other purposes.

S. 2087. An act to extend the time period for compliance with the Nutrition Labeling and Education Act of 1990 for certain products packaged prior to August 8, 1994.

May 31, 1994:

S. 1654. An act to make certain technical corrections.

S.J. Res. 179. Joint resolution to designate the week of June 12 through 19, 1994, as ''National Men's Health Week.''

June 30, 1994:

S. 24. An act to reauthorize the independent counsel law for an additional 5 years, and for other purposes.

July 1, 1994:

S. 1904. An act to amend title 38, United States Code, to improve the organization and procedures of the Board of Veterans' Appeals.

July 20, 1994:

S.J. Res. 187. Joint resolution designating July 16 through July 24, 1994, as ''National Apollo Anniversary Observance.''

July 22, 1994:

S. 273. An act to remove certain restrictions from a parcel of land owned by the city of North Charleston, South Carolina, in order to permit a land exchange, and for other purposes.

S. 1402. An act to convey a certain parcel of public land to the County of Twin Falls, Idaho, for use as a landfill, and for other purposes.

August 1, 1994:

S. 537. An act for the relief of Tania Gil Compton.

S. 832. An act to designate the plaza to be constructed in the Federal Triangle property in Washington, DC, as the ''Woodrow Wilson Plaza.''

S. 1880. An act to provide that the National Education Commission on Time and Learning shall terminate on September 30, 1994.

S.J. Res. 172. Joint resolution designating May 29, 1995, through June 6, 1995, as a ''Time for the National Observance of the Fiftieth Anniversary of World War II.''

August 11, 1994:

S.J. Res. 195. Joint resolution to designate August 1, 1994, as ''Helsinki Human Rights Day.''

August 17, 1994:

S. 1458. An act to amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

August 18, 1994:

S.J. Res. 204. Joint resolution recognizing the American Academy in Rome, an American overseas center for independent study and advanced research, on the occasion of the 100th anniversary of its founding.

August 19, 1994:

S.J. Res. 178. Joint resolution to proclaim the week of October 16 through October 22, 1994, as ''National Character Counts Week.''

August 26, 1994:

S. 2099. An act to establish the Northern Great Plains Rural Development Commission, and for other purposes.

S.J. Res. 153. Joint resolution to designate the week beginning on November 20, 1994 and ending on November 26, 1994, as ''National Family Caregivers Week.''

S.J. Res. 196. Joint resolution designating September 16, 1994, as ''National POW/MIA Recognition Day'' and authorizing display of the National League of Families POW/MIA flag.

September 21, 1994:

S. 1066. An act to restore Federal services to the Pokagon Band of Potawatomi Indians.

S. 1357. An act to reaffirm and clarify the Federal relationships of the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians as distinct federally recognized Indian tribes, and for other purposes.

September 23, 1994:

S. 859. An act to reduce the restrictions on lands conveyed by deed under the Act of June 8, 1926.

October 5, 1994:

S. 2182. An act to authorize appropriations for fiscal year 1995 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

October 6, 1994:

S. 716. An act to require that all Federal lithographic printing be performed using ink made from vegetable oil and materials derived from other renewable resources, and for other purposes.

S. 1406. An act to amend the Plant Variety Protection Act to make such Act consistent with the International Convention for the Protection of New Varieties of Plants of March 19, 1991, to which the United States is a signatory, and for other purposes.

S. 1703. An act to expand the boundaries of the Piscataway Park, and for other purposes.

October 8, 1994:

S.J. Res. 221. Joint resolution to express the sense of the Congress in Commemoration of the 75th anniversary of Grand Canyon National Park.

October 13, 1994:

S. 1587. An act to revise and streamline the acquisition laws of the Federal Government, and for other purposes.

S. 2170. An act to provide a more effective, efficient, and responsive Government.

October 14, 1994:

S. 316. An act to establish the Saguaro National Park in the State of Arizona, and for other purposes.

S. 1233. An act to resolve the status of certain lands in Arizona that are subject to a claim as a grant of public lands for railroad purposes, and for other purposes.

S.J. Res. 157. Joint resolution to designate 1994 as ''The Year of Gospel Music.''

S.J. Res. 185. Joint resolution to designate October 1994 as ''National Breast Cancer Awareness Month.''

S.J. Res. 198. Joint resolution designating 1995 as the ''Year of the Grandparent.''

October 18, 1994:

S 2406. An act to amend title 17, United States Code, relating to the definition of a local service area of a primary transmitter, and for other purposes.

S.J. Res. 220. Joint resolution to designate October 19, 1994, as ''National Mammography Day.''

October 19, 1994:

S. 2475. An act to authorize assistance to promote the peaceful resolution of conflicts in Africa.

October 20, 1994:

S. 922. An act to provide that a State court may not modify an order of another State court requiring the payment of child support unless the recipient of child support payments resides in the State in which the modification is sought or consents to the seeking of the modification in that court.

October 22, 1994:

S. 340. An act to amend the Federal Food, Drug, and Cosmetic Act to clarify the application of the Act with respect to alternate use of new animal drugs and new drugs intended for human use and for other purposes.

S. 455. An act to amend title 31, United States Code, to increase Federal payments to units of general local government for entitlement lands, and for other purposes.

S. 528. An act to provide for the transfer of certain United States Forest Service lands located in Lincoln County, Montana, to Lincoln County in the State of Montana.

S. 720. An act to clean up open dumps on Indian lands, and for other purposes.

S. 1225. An act to authorize and encourage the President to conclude an agreement with Mexico to establish a United States-Mexico Border Health Commission.

S. 1312. An act to amend the Employee Retirement Income Security Act of 1974 in order to provide for the availability of remedies for certain former pension plan participants and beneficiaries.

S. 1457. An act to amend the Aleutian and Pribilof Islands Restitution Act to increase authorization for appropriation to compensate Aleut villages for church property lost, damaged, or destroyed during World War II.

S. 2060. An act to amend the Small Business Act and the Small Business Investment Act of 1958, and for other purposes.

S. 2073. An act to designate the Warren B. Rudman United States Courthouse, the Jamie L. Whitten Federal Building, and the William H. Natcher Federal Building and United States Courthouse.

S. 2395. An act to designate the United States Courthouse in Detroit, Michigan, as the ''Theodore Levin Courthouse,'' and for other purposes.

S. 2466. An act to amend the Energy Policy and Conservation Act to manage the Strategic Petroleum Reserve more effectively, and for other purposes.

S. 2500. An act to enable producers and feeders of sheep and importers of sheep and sheep products to develop, finance, and carry out a nationally coordinated program for sheep and sheep product promotion, research, and information, and for other purposes.

S.J. Res. 90. Joint resolution to recognize the achievements of radio amateurs, and to establish support for such amateurs as national policy.

October 25, 1994:

S. 784. An act to amend the Federal Food, Drug, and Cosmetic Act to establish standards with respect to dietary supplements, and for other purposes.

S. 1927. An act to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, to revise and improve veterans' benefits programs, and for other purposes.

S. 2372. An act to amend the United States Commission on Civil Rights Act of 1983.

S. 2407. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

S. 2534. An act to revise and improve the process for disposing of buildings and property at military installations under the base closure laws.

S.J. Res. 227. Joint resolution approving the location of a Thomas Paine Memorial and a World War II Memorial in the Nation's Capital.

S.J. Res. 229. Joint resolution regarding United States policy toward Haiti.

October 31, 1994:

S. 21. An act to designate certain lands in the California Desert as wilderness, to establish the Death Valley and Joshua Tree National Parks, to establish the Mojave National Preserve, and for other purposes.

S. 1146. An act to provide for the settlement of water rights claims of the Yavapai-Prescott Indian Tribe in Yavapai County Arizona, and for other purposes.

November 2, 1994:

S. 1614. An act to amend the Child Nutrition Act of 1966 and the National School Lunch Act to promote healthy eating habits for children and to extend certain authorities contained in such Acts through fiscal year 1998, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–36. A communication from the Commissioner of the Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, the report on the Rye Patch Dam, Humboldt Project, Nevada; to the Committee on Energy and Natural Resources.

EC–37. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on Federal coal management for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC–38. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report on the Trans-Alaska Pipeline Liability Fund; to the Committee on Energy and Natural Resources.

EC–39. A communication from the Secretary of Energy, transmitting, pursuant to law, the report on the Strategic Petroleum Reserve for the period July 1, 1994 through September 30, 1994; to the Committee on Energy and Natural Resources.

EC–40. A communication from the Secretary of Energy, transmitting, pursuant to

law, the report on voluntary building energy codes; to the Committee on Energy and Natural Resources.

EC–41. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report on the Superfund Innovative Technology Evaluation Program for calendar year 1993; to the Committee on Environment and Public Works.

EC–42. A communication from the Chairman of the Nuclear Regulatory Commission, the report of abnormal occurrences at licensed nuclear facilities for the period April 1, 1994 through June 30, 1994; to the Committee on Environment and Public Works.

EC–43. A communication from the Deputy Administrator of the General Services Administration, transmitting, pursuant to law, the informational copy of the report of the building project survey for Bastrop, Texas; to the Committee on Environment and Public Works.

EC–44. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report of the Migratory Bird Conservation Commission for fiscal year 1994; to the Committee on Environment and Public Works.

EC–45. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report entitled ''Traffic Control Devices Demonstration Program for Arkansas Cities and Counties''; to the Committee on Environment and Public Works.

EC–46. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the emigration laws and policies of the Russian Federation; to the Committee on Finance.

EC 47. A communication from the President of the United States, transmitting, pursuant to law, a report relative to the emigration laws and policies of Bulgaria; to the Committee on Finance.

EC 48. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to the aggregation of medicare claims to meet the jurisdictional amount to qualify for appeal; to the Committee on Finance.

EC 49. A communication from the Secretary of Labor, transmitting, pursuant to law, a biennial report to Congress on internationally recognized worker rights; to the Committee on Finance.

EC 50. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effects of the Caribbean Basin Economic Recovery Act; to the Committee on Finance.

EC 51. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the effects of Andean Trade Preference Act; to the Committee on Finance.

EC 52. A communication from the Administrator of the Department of Health and Human Services, transmitting, pursuant to law, a report relative to the Rural Health Care Transition Grant Program; to the Committee on Finance.

EC 53. A communication from the Acting Secretary of the Treasury, transmitting, pursuant to law, the annual report of the United States Government for fiscal year 1994; to the Committee on Finance.

EC 54. A communication from the Acting Director of the Defense Security Assistance Agency, transmitting, pursuant to law, the report on the operation of the Special Defense Acquisition Fund for fiscal year 1994; to the Committee on Foreign Relations.

EC 55. A communication from the President of the United States, transmitting, pursuant to law, the report on the Loan Guarantees to Israel Program; to the Committee on Foreign Relations.

EC 56. A communication from the Executive Director of the Japan-United States Friendship Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Foreign Relations.

EC 57. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to international financial institutions; to the Committee on Foreign Relations.

EC 58. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Security Assistance Allocations for fiscal year 1995; to the Committee on Foreign Relations.

EC 59. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notice relative to the certification procedures of a U.S. Consulate General; to the Committee on Foreign Relations.

EC 60. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report of the Presidential Determination relative to the Independent States of the Former Soviet Union; to the Committee on Foreign Relations.

EC 61. A communication from the Assistant Secretary of Sate (Legislative Affairs), transmitting, pursuant to law, the report of a Secretary of State Determination relative to Israel; to the Committee on Foreign Relations.

EC 62. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the report on the participation or involvement of Members of the Haitian Government in human rights violations between December 15, 1990 through December 15, 1994; to the Committee on Foreign Relations.

EC 63. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, the semi-annual reports of voluntary contributions by the U.S. government to international organizations for the period October 1, 1993 through March 31, 1994; to the Committee on Foreign Relations.

EC 64. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 65. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 66. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements and background statements; to the Committee on Foreign Relations.

EC 67. A communication from the Acting Administrator of the Agency For International Development, transmitting, pursuant to law, the report of the Development Assistance Program Allocations for fiscal year 1995; to the Committee on Foreign Relations.

EC 68. A communication from the Administrator of the Agency For International Development, transmitting, pursuant to law, the report entitled ''Global Climate Change: The USAID Response''; to the Committee on Foreign Relations.

EC 70. A communication from the Assistant Attorney General of the United States, Office of Legislative Affairs, transmitting, pursuant to law, the annual report of the Office of Juvenile Justice and Delinquency Prevention for fiscal year 1993; to the Committee on the Judiciary.

EC 71. A communication from the Clerk of the United States Court of Federal Claims, transmitting, pursuant to law, the report of the Court for fiscal year 1994; to the Committee on the Judiciary.

EC 72. A communication from the Secretary of the Interior, transmitting pursuant to law, the annual report of the National Park Foundation for fiscal year 1994; to the Committee on the Judiciary.

EC 73. A communication from the National Commander of the American Ex-Prisoners of War, transmitting, pursuant to law, the 1994 audit report as of August 31, 1994; to the Committee on the Judiciary.

EC 74. A communication from the Chairman of the Railroad Retirement Board, transmitting, pursuant to law, the 1994 annual report of the Board; to the Committee on Labor and Human Resources.

EC 75. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, NSA's annual report on the activities of the Regional Technology Transfer Centers; to the Committee on Small Business.

EC 76. A communication from the Secretary of Labor, transmitting, pursuant to law, a report relative to the labor market situation for veterans; to the Committee on Veterans' Affairs.

EC 77. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, a report relative to the administration of the Montgomery G.I. Bill-Active Duty educational assistance program through fiscal year 1994; to the Committee on Veterans' Affairs.

EC 78. A communication from the President of the United States, transmitting, pursuant to law, a report of deferral of budgetary resources; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, and to the Committee on Foreign Relations.

EC 79. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to a special impoundment message for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Finance, and to the Committee on Foreign Relations.

EC 80. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the final sequestration report for fiscal year 1995; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

EC 81. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting pursuant to law, the final sequestration report to the President and Congress for fiscal year 1995; referred jointly, pursuant to the

order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Banking, Housing, and Urban Affairs, to the Committee on Commerce, Science, and Transportation, to the Committee on Energy and Natural Resources, to the Committee on Environment and Public Works, to the Committee on Finance, to the Committee on Foreign Relations, to the Committee on Governmental Affairs, to the Committee on the Judiciary, to the Committee on Labor and Human Resources, to the Committee on Rules and Administration, to the Committee on Small Business, to the Committee on Veterans' Affairs, to the Committee on Indian Affairs, and to the Select Committee on Intelligence.

REPORTS OF COMMITTEES

The following reports of committees were submitted on January 11, 1995.

By Mr. HATFIELD, from the Committee on Appropriations, without amendment:

S. Res. 38: An original resolution authorizing expenditures by the Committee on Appropriations.

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 39: An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. MCCAIN, from the Committee on Indian Affairs, without amendment:

S. Res. 40: An original resolution authorizing expenditures by the Committee on Indian Affairs.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. Res. 41: An original resolution authorizing expenditures by the Committee on Foreign Relations.

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. Res. 43: An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. ROTH, from the Committee on Governmental Affairs, without amendment:

S. Res. 45: An original resolution authorizing expenditures by the Committee on Governmental Affairs.

The following reports of committees were submitted on January 12, 1995:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. STEVENS, from the Committee on Rules and Administration, without amendment:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration.

By Mr. DOMENICI, from the Committee on the Budget, without amendment:

S. Res. 50. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. BOND, from the Committee on Small Business, without amendment:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Small Business.

By Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOMENICI from the Committee on the Budget:

Report to accompany the bill (S.1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes (Rept. 104–2).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. THURMOND, and Mr. EXON):

S. 209. A bill to replace the Aid to Families with Dependent Children Program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare-to-work programs, to reduce the rate of out-of-wedlock births, and for other purposes; to the Committee on Finance.

By Mr. CRAIG THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. STEVENS, Mr. INOUYE, and Mr. BURNS):

S. 210. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Finance.

By Mr. BOND:

S. 211. A bill to provide for new program accountability; to the Committee on Governmental Affairs.

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 212. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V;* to the Committee on Commerce, Science, and Transportation.

S. 213. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour;* to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 214. A bill for the relief of Fanie Phily Mateo Angeles, and for other purposes; to the Committee on the Judiciary.

S. 215. A bill for the relief of Bertha Berg, and for other purposes; to the Committee on the Judiciary.

By Mr. INOUYE (for himself, Mr. HATCH, Mr. BRYAN, Mr. REID, Mr. SMITH, Mr. COATS, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S. 216. A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

By Mr. HATFIELD (for himself and Mr. PACKWOOD):

S. 217. A bill for the relief of Rose-Marie Barbeau-Quinn; to the Committee on the Judiciary.

By Mr. MCCONNELL (for himself and Mr. COVERDELL):

S. 218. A bill to repeal the National Voter Registration Act of 1993, and for other purposes; to the Committee on Rules and Administration.

By Mr. NICKLES (for himself, Mr. BOND, Mrs. HUTCHISON, Mr. DOLE, Mr. GRASSLEY, Mr. ASHCROFT, Mr. COVERDELL, Mr. ABRAHAM, Mr. THOMPSON, Mr. BURNS, Mr. SHELBY, Mr. MCCONNELL, Mr. FAIRCLOTH, Mr. THOMAS, Mr. SMITH, Mr. MCCAIN, Mr. CRAIG, Mr. COATS, Mr. SANTORUM, Mr. MACK, Mr. GREGG, Mr. MURKOWSKI, Mr. LOTT, Mr. KYL, Mr. THURMOND, Mr. HATCH, Mr. HELMS, Mr. INHOFE, Mr. SIMPSON, Mr. GRAMM, Mr. FRIST, Mr. GRAMS, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Governmental Affairs.

By Mr. THURMOND:

S. 220. A bill for the relief of Ibrahim Al-Assaad; to the Committee on the Judiciary.

S. 221. A bill for the relief of Maria Eduarda Lorenzo; to the Committee on the Judiciary.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 222. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 223. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 224. A bill to amend the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. AKAKA:

S. 225. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. BROWN:

S.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CHAFEE:

S. Res. 48. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 49. An original resolution authorizing expenditures by the Committee on Rules and Administration; from the Committee on Rules and Administration; placed on the calendar.

By Mr. DOMENICI:

S. Res. 50. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. BOND:

S. Res. 51. An original resolution authorizing expenditures by the Committee on Small Business; from the Committee on Small Business; to the Committee on Rules and Administration.

By Mr. D'AMATO:

S. Res. 52. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. THURMOND, and Mr. EXON):

S. 209. A bill replace the Aid to Families with Dependent Children Program under title IV of the Social Security Act and a portion of the Food Stamp Program under the Food Stamp Act of 1977 with a block grant to give the States the flexibility to create innovative welfare-to-work programs, to reduce the rate of out-of-wedlock births, and for other purposes; to the Committee on Finance.

THE WELFARE-TO-WORK AND STRONG FAMILIES ACT OF 1995

Mr. GRASSLEY.

Mr. President, today I am introducing a bill that I have entitled ''The Welfare To Work and Strong Families Act of 1995.'' This is a bill that we can classify as dramatic welfare reform.

I look forward to working with the leaders of the House and the Senate, as we have already been working with the State Governors to arrive at a consensus in developing a new and hopefully very effective welfare system. I am pleased to be joining my colleagues in this effort to dramatically change the welfare system as we know it through the introduction of this bill.

This reform proposal would fundamentally alter the way that we administer welfare. At least fundamentally from the way we have administered over the last half century. It would move the decision makingprocess closer to those who can best address the needs and concerns of our citizens, the States, their Governors, and State legislatures. There are not many issues that all my colleagues agree upon, particularly on both sides of the aisle. But there appears to be agreement on the fact that the current welfare system is a dismal failure. That goes back to statements that the President made in his State of the Union message 12 months ago, including what both Republicans and Democrats, in both Houses of Congress, have said.

The current system has contributed toward the breakdown of the family, destroyed independence and self-reliance, and it has discouraged work and productivity by the people of this country who are on welfare. The system simply does not serve the needs of welfare recipients. It does not serve the needs of those who are supposed to be helped. It surely does not serve the needs of the tax-paying citizens who are funding the program and want to get the most bang for their buck.

Of course, the failure of our welfare system shows up in the weaknesses of society in many, many, different ways. In addition, the current system requires States that want to be very innovative in welfare reform to jump through tremendous number of hoops to receive Federal waivers.

My own State of Iowa sought and received, but it did take months, Mr. President, a whole series of such waivers from the Department of Health and Human Services [HHS]. The waiver process theoretically allows States to develop programs that best meet the needs of each State. But the lengthy and the very burdensome process often inhibits States' initiatives and innovations.

From visiting with the Governors and State legislatures we know that there are more States that want to try to solve this problem because they do not see it solved in Washington, DC. However, those few States that have waded through the time-consuming process have been partially successful in developing a welfare system more tailored to their needs.

Although many of the State initiatives are still in their infancy, State governments have been very supportive of proposals at the Federal level to design a program tailored to the States' unique environment. As well as to allow them more leeway to use their own ingenuity to solve the welfare problems in their own States.

Mr. President, I recognize that in order for welfare reform to work we must establish three goals: First we must reduce the rising cost of welfare programs; second, welfare reform must address the social crisis of out-of-wedlock births; finally, it must require real work from its recipients.

Mr. President, under my proposal, the entire Federal Aid to Families With Dependent Children, the AFDC program, the AFDC Job Opportunity and Basic Skills [JOBS] Program, as well as the Food Stamp Program as it applies to AFDC recipients, would simply be repealed.

They would be ended. The role of the Federal Government would be unalterably changed as we transfer these moneys to the States in block grants to accomplish our goal and let them use their ingenuity to do what we have not been able to accomplish through several reforms that have passed the Congress in recent decades.

This is important because this is a reform effort first. This is not just simply a budget effort and would fail if it were just a budget effort. The goal is to make the program work more effectively by giving control of it to those people who are ingenious and have shown that ingenuity in past activities to accomplish a better approach to welfare than what we have been able to accomplish in Washington.

The resulting budget and deficit reductions are important, but they are secondary. The focus must be on reform of welfare. This legislation requires only two reform goals be achieved by the States: First, an increase in the number of welfare recipients working each year as compared to the previous year and, second, a reduction in the number of out-of-wedlock births in the State.

Apart from those requirements, the States would be completely free—let me emphasize, completely free—to create their own welfare reform plan that would work best for them and meet the needs of their citizens.

While reform is clearly the primary goal, there are also clear budget implications in this bill. It would establish a cap on Federal spending on assistance programs for low-income Americans at the 1995 levels, and it would then block grant the money that the States now receive in 1995 at those levels to the States for their use, using their own ingenuity to operate their own welfare programs.

States would be free to experiment with new ideas for dramatic change. That is the essence of our approach. They would also be responsible for making the changes work because they have funding caps and those caps would be at the present level. The incentive is for States to get people off welfare and to get them into work. My bill sets forth measurable performance standards that reward work and change the culture of welfare. It would allow States that have met or exceeded the two goals of this legislation to be awarded additional bonus payments in their block grant.

I urge my colleagues to join me in this effort to reform welfare and devise a more effective program. This bill would allow States to have a greater decisionmaking role and to have the freedom to create welfare programs that fit the individual needs of their respective States. I urge Senators to join me in cosponsoring the Welfare-to-Work and Strong Families Act of 1995.

Mr. President, this country of the United States of America—with all 50 States, is too diverse of a country to administer the distribution of the Food Stamp Program to meet the needs of States or how they are spent in Puerto Rico because of the heterogeneity of our population. It is too geographically

vast to pour from one mold in Washington, DC, to solve the welfare problems of New York City just like Des Moines, IA.

It is better under those conditions where our country is so different from one end to the other to leave it to the individual States to devise a plan. We have tried to reform welfare in Washington. We have not been successful. Several States have been successful. We want to build upon that success, and that is why this bill is being introduced.

I ask unanimous consent that the bill be printed in the RECORD.

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

S. 209

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Welfare-to-Work and Strong Families Act of 1995''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.
Sec. 3. Purpose.
Sec. 4. Definition of State.
Sec. 5. Applications by States.
Sec. 6. State welfare-to-work and stronger families program described.
Sec. 7. State grants.
Sec. 8. Termination of certain Federal welfare programs.
Sec. 9. Secretarial submission of legislative proposal for amendments to medicaid eligibility criteria and technical and conforming amendments.
Sec. 10. Savings.

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The current welfare system is broken and requires replacement.

(2) ''Work'' is what works best for American families.

(3) Since State and local governments know the best methods of connecting welfare recipients to work and since each community faces different circumstances, Federal assistance to the States should be flexible.

(4) Government has the responsibility to provide a helping hand to assist individuals but individuals have the responsibility to use the assistance to help themselves.

(5) Between 1970 and 1991, the total number of all out-of-wedlock births in the United States has increased from 10 to 30 percent and, if that rate of increase continues, by 2015, 50 percent of all births in the United States will be out-of-wedlock.

(6) The negative consequences of out-of-wedlock births on the child, mother, and society are well-documented as follows:

(A) Children born into families receiving welfare assistance are 3 times more likely to receive welfare assistance when they reach adulthood than children born into families that do not receive welfare.

(B) Young women who have children before finishing high school are more likely to receive welfare assistance for a substantial period of time.

(C) A single parent family is 6 times more likely to live in poverty than a two-parent family.

(7) Due to the crisis caused by the growing rate of out-of-wedlock births in the United States, the Congress deems the reduction of out-of-wedlock births to be an important governmental interest.

SEC. 3. PURPOSE.

The purpose of this Act is to create a block grant program to replace the aid to families with dependent children program under title IV of the Social Security Act and a portion of the food stamp program under the Food Stamp Act of 1977 and give the States the flexibility to create innovative welfare-to-work programs and programs designed to reduce the increasing rate of children born out-of-wedlock.

SEC. 4. DEFINITION OF STATE.

For purposes of this Act, the term ''State'' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

SEC. 5. APPLICATIONS BY STATES.

(a) IN GENERAL.—Each State desiring to receive a grant to operate a State welfare-to-work and stronger families program described in section 6 shall annually submit an application to the Secretary of Health and Human Services (hereafter in this Act referred to as the ''Secretary'') containing the matter described in subsection (b) in such manner as the Secretary may require.

(b) CONTENTS.—

(1) FISCAL YEAR 1996.—An application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1996 shall contain a description of the program in accordance with section 6.

(2) SUBSEQUENT FISCAL YEARS.—

(A) CONTENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), an application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1997 and each subsequent fiscal year shall contain—

(I) a description of the program in accordance with section 6;

(II) the State work percentage (as determined under subparagraph (B)) for each of the 2 preceding fiscal years;

(III) a statement of the number of participants who became ineligible for participation in the program due to increased income for each of the 2 preceding fiscal years;

(IV) the State out-of-wedlock birth rate percentage (as determined under subparagraph (D)) for each of the 2 preceding fiscal years; and

(V) a statement of the amount of non-Federal resources that the State invested in the program in the preceding fiscal year.

(ii) SPECIAL RULE FOR FISCAL YEAR 1997.—An application for fiscal year 1997 need only contain the information described in subclauses (II), (III), and (IV) of clause (i) for fiscal year 1996.

(B) STATE WORK PERCENTAGE.—For purposes of subparagraph (A)(i)(II), the State work percentage (prior to any adjustment under subparagraph (C)) for a fiscal year is equal to—

(i) the average weekly number of participants in the State welfare-to-work and stronger families program who were employed in private sector or public sector jobs for at least 20 hours per week, divided by

(ii) the average weekly number of participants in the State welfare-to-work and stronger families program.

(C) ADJUSTMENT.—

(i) IN GENERAL.—The State work percentage determined under subparagraph (B) for a fiscal year shall be adjusted by subtracting 1 percentage point from such State work percentage for each 5 percentage points by which the percentage of individuals described in subparagraph (B)(i) who are also described in clause (ii) of this subparagraph participating in the program in such fiscal year falls below 75 percent of the number of individuals described in subparagraph (B)(i) in such fiscal year.

(ii) INDIVIDUAL DESCRIBED.—An individual described in this clause is a custodial parent or other individual who is primarily responsible for the care of a child under the age of 18.

(D) STATE OUT-OF-WEDLOCK BIRTH RATE PERCENTAGE.—For purposes of subparagraph (A)(i)(IV), the State out-of-wedlock birth rate percentage for a fiscal year is equal to—

(i) the total number of children in the State who were born out-of-wedlock during the fiscal year, divided by

(ii) the total number of children in the State who were born during the fiscal year.

(E) MONITORING OF DATA.—The Secretary shall ensure the validity of the data provided by a State under this paragraph.

(c) APPROVAL.—

(1) FISCAL YEARS 1996 AND 1997.—The Secretary shall approve each application for a grant to operate a State welfare-to-work and stronger families program—

(A) during fiscal year 1996, if the application contains the information described in subsection (b)(1); and

(B) during fiscal year 1997, if the application contains the information described in subsection (b)(2).

(2) AUTOMATIC APPROVAL IN SUBSEQUENT FISCAL YEARS.—The Secretary shall approve any application for a grant to operate a State welfare-to-work and stronger families program during fiscal year 1998 and each succeeding fiscal year if—

(A) the State's application reports that—

(i) the State work percentage for the preceding fiscal year is greater than the State work percentage for the second preceding fiscal year; or

(ii) more participants became ineligible for participation in the State welfare-to-work and stronger families program during the preceding fiscal year due to increased income than became ineligible for participation in the program in the second preceding fiscal year as a result of increased income;

(B) the State's application reports that the State out-of-wedlock birth rate percentage for the preceding fiscal year is less than the State out-of-wedlock birth rate percentage for the second preceding fiscal year; and

(C) the State's application reports that the number of participants in the State welfare-to-work and stronger families program for the preceding fiscal year is less than the number of participants in the State welfare-to-work and stronger families program for the second preceding fiscal year.

(3) SECRETARIAL REVIEW.—

(A) IN GENERAL.—If a State application for a grant under this Act is not automatically approved under paragraph (2), the Secretary shall approve the application upon a finding that the application—

(i) provides an adequate explanation of why the application was not automatically approved; and

(ii) provides a plan of remedial action which is satisfactory to the Secretary.

(B) ADEQUATE EXPLANATIONS.—An adequate explanation under subparagraph (A) may include an explanation of economic conditions in the State, failed program innovations, or other relevant circumstances.

(4) RESUBMISSION.—A State may resubmit an application for a grant under this Act until the Secretary finds that the application meets the requirements of paragraph (3)(A).

SEC. 6. STATE WELFARE-TO-WORK AND STRONGER FAMILIES PROGRAM DESCRIBED.

(a) IN GENERAL.—A State welfare-to-work and stronger families program described in this section shall—

(1) provide that during fiscal year 1996, the State shall designate individuals who are eligible for participation in the program and such individuals may include those individuals who received benefits under the State plan approved under part A of title IV of the Social Security Act during fiscal year 1995;

(2) provide that during fiscal year 1997 and each subsequent fiscal year, the State shall designate individuals who are eligible for participation in the program (as determined by the State), with priority given to those individuals most in need of such services;

(3) with respect to increasing the State work percentage, be designed to move individuals from welfare to self-sufficiency and may include—

(A) job placement and training;

(B) supplementation of earned income;

(C) nutrition assistance and education;

(D) education;

(E) vouchers to be used for rental of privately owned housing;

(F) child care;

(G) State tax credits;

(H) health care;

(I) supportive services;

(J) community service employment;

(K) asset building programs; or

(L) any other assistance designed to move such individuals from welfare to self-sufficiency; and

(4) with respect to reducing the State out-of-wedlock birth rate percentage, be designed to strengthen two-parent families and may include—

(A) education;

(B) family planning services (except abortion-related services);

(C) a cap of benefits under the program with respect to additional children conceived out-of-wedlock after a participant has entered the program;

(D) the denial of benefits under the program to a potential participant in the program if that potential participant has a child born out-of-wedlock after a date established by the State;

(E) State tax credits for marriage; or

(F) any other assistance designed to reduce out-of-wedlock births and encourage marriage.

(b) NO ENTITLEMENT.—Notwithstanding any criteria a State may establish for participation in a State welfare-to-work and stronger families program created in accordance with this Act, no individual shall be considered to be entitled to participate in that program.

SEC. 7. STATE GRANTS.

(a) IN GENERAL.—The Secretary shall annually award to each State with an application approved under section 5(c) an amount equal to—

(1) in fiscal year 1996, 100 percent of the State's base amount;

(2) in fiscal year 1997, the sum of 80 percent of the State's base amount, 20 percent of the State's share of the national grant amount, and any applicable bonus payment;

(3) in fiscal year 1998, the sum of 60 percent of the State's base amount, 40 percent of the State's share of the national grant amount, and any applicable bonus payment;

(4) in fiscal year 1999, the sum of 40 percent of the State's base amount, 60 percent of the State's share of the national grant amount, and any applicable bonus payment;

(5) in fiscal year 2000, the sum of 20 percent of the State's base amount, 80 percent of the State's share of the national grant amount, and any applicable bonus payment; and

(6) in fiscal year 2001 and each subsequent fiscal year, the sum of 100 percent of the State's share of the national grant amount and any applicable bonus payment.

(b) STATE BASE AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), a State's base amount is equal to—

(A) for fiscal year 1996, 100 percent of the amount determined under paragraph (2); and

(B) for fiscal year 1997 and succeeding fiscal years, 96 percent of the amount determined under paragraph (2).

(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a State is an amount equal to the sum of—

(A) the amount of Federal financial participation received by the State under section 403 of the Social Security Act (42 U.S.C. 603) during fiscal year 1995; and

(B) an amount equal to the sum of—

(i) the benefits under the food stamp program under the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.), including benefits provided under section 19 of such Act (7 U.S.C. 2028), during fiscal year 1995 other than benefits provided to elderly or disabled individuals in the State (as determined under section 3(r)) of such Act (7 U.S.C. 2012); and

(ii) the amount paid to the State under section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) during fiscal year 1995 for administrative expenses for providing benefits to nonelderly and nondisabled individuals.

(c) STATE SHARE OF THE NATIONAL GRANT AMOUNT.—

(1) IN GENERAL.—For purposes of subsection (a), the State's share of the national grant amount for a fiscal year is equal to the sum of the amounts determined under paragraph (2) (relating to economic need) and paragraph (3) (relating to State effort) for the State.

(2) ECONOMIC NEED.—The amount determined under this paragraph is equal to the sum of the following amounts:

(A) STATE PER CAPITA INCOME MEASURE.—The amount which bears the same ratio to one-quarter of the national grant amount as the product of—

(i) the population of the State; and

(ii) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(B) STATE UNEMPLOYMENT MEASURE.—The amount which bears the same ratio to one-quarter of the national grant amount as the number of individuals in the State who are estimated as being unemployed (determined in accordance with the Department of Labor's annual estimates) bears to the number of individuals in all States who are estimated as being unemployed (as so determined).

(3) STATE EFFORT.—The amount determined under this paragraph is the amount which bears the same ratio to one-half of the national grant amount as the product of—

(A) the dollar amount the State invested in the State welfare-to-work and stronger families program in the previous fiscal year, as reported in section 5(b)(2)(A)(i)(V); and

(B) the allotment percentage of the State (as determined under paragraph (4)),

bears to the sum of the corresponding products for all States.

(4) ALLOTMENT PERCENTAGE.—

(A) IN GENERAL.—Except as provided in subparagraph (C), the allotment percentage for any State shall be 100 percent, less the State percentage.

(B) STATE PERCENTAGE.—The State percentage shall be the percentage which bears the same ratio to 50 percent as the per capita income of such State bears to the per capita income of all States.

(C) EXCEPTION.—The allotment percentage shall be 70 percent in the case of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(5) DETERMINATION OF GRANT AMOUNTS.—Each State's share of the national grant amount shall be determined under this subsection on the basis of the average per capita income of each State and all States for the most recent fiscal year for which satisfactory data are available from the Department of Commerce and the Department of Labor.

(6) NATIONAL GRANT AMOUNT.—The term ''national grant amount'' means an amount equal to 96 percent of the sum of the amounts determined under subsection (b)(2) for all States.

(d) BONUS PAYMENTS.—

(1) CRITERIA.—Beginning with fiscal year 1997, the Secretary may use 4 percent of the sum of the amounts determined under subsection (b)(2) for all States to award additional bonus payments under this section to those States which have the highest or most improved State work percentages as determined under section 5(b)(2)(B) and the lowest or most improved State out-of-wedlock birth rate percentages as determined under section 5(b)(2)(D).

(2) LEADING JOB PLACEMENT AND LEADING OUT-OF-WEDLOCK BIRTH RATE REDUCTION STATES.—The Secretary shall designate one State as the leading job placement State and one State (which may be the same State as the designated leading job placement State) as the leading out-of-wedlock birth rate reduction State and such State or States shall receive the highest bonus payments under paragraph (1).

(3) PRESIDENTIAL AWARD.—The President is authorized and requested to acknowledge a State designated under paragraph (2) with a special Presidential award.

(e) USE OF FUNDS FOR ADMINISTRATIVE PURPOSES.—A State shall not use more than 10 percent of the amount it receives under this section for the administration of the State welfare-to-work and stronger families program.

(f) CAPPED ENTITLEMENT.—This section constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide the payments described in subsection (a) (in an amount not to exceed the sum of the amounts determined under subsection (b)(2) for all States).

SEC. 8. TERMINATION OF CERTAIN FEDERAL WELFARE PROGRAMS.

(a) TERMINATION OF AFDC AND JOBS PROGRAMS.—

(1) AFDC.—Part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended by adding at the end the following new section:

''TERMINATION OF AUTHORITY

''SEC. 418. The authority provided by this part shall terminate on October 1, 1995.''.

(2) JOBS.—Part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.) is amended by adding at the end the following new section:

''TERMINATION OF AUTHORITY

''SEC. 488. The authority provided by this part shall terminate on October 1, 1995.''.

(b) FOOD STAMP PROGRAM TO SERVE ONLY ELDERLY AND DISABLED INDIVIDUALS.—

(1) DEFINITIONS.—Section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012) is amended—

(A) in subsection (g)—

(i) in paragraph (4), by striking ''(and their spouses)'';

(ii) in paragraph (5)—

(I) by striking ''in the case of'' and inserting ''in the case of elderly or disabled''; and

(II) by inserting ''disabled'' before ''children''; and

(iii) in paragraph (8), by inserting ''elderly or disabled'' before ''women and children temporarily'';

(B) in subsection (i)—

(i) in the first sentence—

(I) in paragraph (1), by inserting ''elderly or disabled'' before ''individual''; and

(II) in paragraph (2), by inserting '', each of whom is elderly or disabled,'' after ''individuals'';

(ii) in the second sentence, by inserting before the period at the end the following: '', if each of the individuals is elderly or disabled'';

(iii) in the third sentence—

(I) by striking '', together'' and all that follows through ''of such individual,''; and

(II) by striking '', excluding the spouse,''; and

(iv) in the fifth sentence—

(I) by striking ''coupons, and'' and inserting ''coupons, and elderly or disabled''; and

(II) by inserting ''disabled'' after ''together with their''; and

(C) in subsection (r), by striking '''Elderly'' and all that follows through ''who'' and inserting the following: '''Elderly or disabled', with respect to a member of a household or other individual, means a member or other individual who''.

(2) CONFORMING AMENDMENTS.—

(A) ELIGIBILITY.—Section 5 of the Food Stamp Act of 1977 (7 U.S.C. 2014) is amended—

(i) in the first sentence of subsection (c)—

(I) by striking ''program if—'' and all that follows through ''household's income'' and inserting ''program if the income of the household'';

(II) by striking ''respectively; and'' and inserting ''respectively.''; and

(III) by striking paragraph (2); and

(ii) in subsection (e)—

(I) in the first sentence, by striking ''containing an elderly or disabled member and determining benefit levels only for all other households'';

(II) in the fifteenth sentence—

(aa) by striking ''containing an elderly or disabled member''; and

(bb) in subparagraph (A), by striking ''elderly or disabled members'' and inserting ''the members'';

(III) in the seventeenth sentence, by striking ''elderly and disabled''; and

(IV) by striking the fourth through fourteenth sentences.

(B) PERIODIC REPORTING.—Section 6(c)(1)(A)(iii) of the Food Stamp Act of 1977 (7 U.S.C. 2015(c)(1)(A)(iii)) is amended by striking ''and in which all adult members are elderly or disabled''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply on and after October 1, 1995.

(c) REFERENCES IN OTHER LAWS.—

(1) IN GENERAL.—Any reference in any law, regulation, document, paper, or other record of the United States to any provision that has been terminated by reason of the amendments made in subsection (a) shall, unless the context otherwise requires, be considered to be a reference to such provision, as in effect immediately before the date of the enactment of this Act.

(2) STATE PLANS.—Any reference in any law, regulation, document, paper, or other record of the United States to a State plan that has been terminated by reason of the amendments made in subsection (a), shall, unless the context otherwise requires, be considered to be a reference to such plan as in effect immediately before the date of the enactment of this Act.

SEC. 9. SECRETARIAL SUBMISSION OF LEGISLATIVE PROPOSAL FOR AMENDMENTS TO MEDICAID ELIGIBILITY CRITERIA AND TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary shall, within 90 days after the date of enactment of this Act, submit to the appropriate committees of the Congress, a legislative proposal providing eligibility criteria for medical assistance under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) in lieu of the eligibility criteria under section 1902(a)(10)(A)(i) of such Act (42 U.S.C. 1396a(a)(10)(A)(i)) relating to the receipt of aid to families with dependent children under a State plan under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and such technical and conforming amendments in the law as are required by the provisions of this Act.

SEC. 10. SAVINGS.

Any savings resulting from the provisions of this Act shall be dedicated to reduction of the Federal budget deficit.

By Mr. THOMAS (for himself, Mr. LOTT, Mr. SIMPSON, Mr. STEVENS, Mr. INOUYE, and Mr. BURNS):

S. 210. A bill to amend title XVIII of the Social Security Act to provide for coverage under part B of the medicare program of emergency care and related services furnished by rural emergency access care hospitals; to the Committee on Finance.

THE RURAL EMERGENCY ACCESS CARE HOSPITAL ACT

Mr. THOMAS. Mr. President, today I am introducing the Rural Emergency Access Care Hospital Act, [REACH] to help small rural hospitals across the country serve their communities. It will provide the vital medical care rural Americans need in times of emergency.

The outlook for many rural hospitals is grim. Many contemplate closure on a daily basis as Medicare reimbursement rates continue to drop the Federal Government enforces costly regulations, and low inpatient stays become the norm. Currently, if a hospital fails to meet all Medicare conditions of participation, they will lose certification. That means, facilities will not be reimbursed by HCFA for the medical services they provide.

Closing hospitals in Wyoming is not an acceptable option. In my State, if a town loses its most important point of service—the emergency room—it is typical for patients to drive 100 miles or more to the closest territory care center.

There is no doubt that excess capacity in our hospitals is a financial drain on the Nation's health care system. However, emergency medical care is not a fringe benefit. It must be available to all Americans—rural and urban alike.

Mr. President, the REACH bill presents rural areas with a viable option. It accommodates different levels of medical care throughout the State while providing stabilization services needed in remote areas.

Under my bill, rural facilities could convert to rural emergency access care hospitals, provided they meet the following qualifications: First, be able to transfer patients to a nearby, full-service hospital; second, be located in a rural area; third, keep a practitioner, who is certified by the State in advanced cardiac life support onsite 24-hours a day; and fourth, retain a physician on-call 24 hours a day. Hospital administrators view this as a solid solution to improve the rural health care delivery system.

There are several distinctions between the REACH bill and other limited hospital service programs. Under my bill, facilities are not required to be an arbitrary 35 miles or more apart. What happens if they are 34 miles apart? It is still a long drive in a snowstorm.

In addition, hospitals would not have to surrender their license and States would not be required to go through a lengthy application process, unlike current demonstration grant programs.

Mr. President, the REACH bill has a history of wide bipartisan support. Last year it was folded into Majority Leader BOB DOLE's alternative health care reform plan and Senator JOHN CHAFEE's Health Equity and Access Reform Today Act. It was also included in the House GOP leadership's Affordable Health Care Now Act, Representative Jim Cooper's Managed Competition Act, and the House Rural Health Care Coalition's Rural Health Delivery System Development Act.

As we search for affordable solutions to improve the health care delivery system, the REACH bill is one proposal that should be added to the list. The legislation is in lockstep with other reforms, such as portability, prohibition of preexisting conditions, malpractice reform, and administrative simplification. If there were two thresholds established by last year's debate on health care reform—flexibility and affordability—then you cannot go wrong with supporting the REACH bill.

By Mr. BOND:

S. 211. A bill to provide for new program accountability; to the Committee on Governmental Affairs.

THE FEDERAL GOVERNMENT NEW PROGRAM ACCOUNTABILITY ACT OF 1995

● Mr. BOND. Mr. President, I introduce the Federal Government New Program Accountability Act of 1995. This legislation would require on a government-wide basis for each Federal agency and department, upon the submission of legislation to Congress, to include an implementation plan for each new program, project, or activity authorized in the legislation.

The implementation plan would be required to include a description of: First, resource requirements of the program, including staff and data system requirements; second, the estimated cost of implementation of the new program, both in the initial year and over a 5-year period; third, an analysis impact statement assessing the ability of the agency or department to manage the operations of all the agency's or department's programs; and fourth, an implementation schedule, including a timetable for the promulgation of regulations.

I urge my colleagues to support this legislation. It is time that the administration recognizes that not every good idea is appropriate for legislation; that

there is a cost to new initiatives and that part of the responsibility of Federal agencies and departments is to assess the capacity of the agency or department to appropriately administer a new program. It is also important that the Congress have adequate information to determine whether an agency or department can correctly administer a new program.●

By Mr. KERRY (for himself and Mr. KENNEDY):

S. 212. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for vessel *Shamrock V*; to the Committee on Commerce, Science and Transportation.

S. 213. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER LEGISLATION

● Mr. KERRY. Mr. President, I am pleased to join my colleague, the distinguished senior Senator from Massachusetts, in introducing two bills to allow the vessels *Shamrock V* and *Endeavour* to be employed in coastwise trade of the United States. These boats have a small passenger capacity, normally 8 to 12 passengers on overnight trips and up to 30 passengers on day trips, and their owner intends to operate a charter business based out of Boston Harbor. The purpose of these bills is to waive sections of the Jones Act which prohibit foreign-made vessels from operating in coastwise trade. The waiver is necessary because, under the law, a vessel is considered built in the United States if all major components of its hull and superstructure are fabricated in the United States, and the vessel is assembled entirely in the United States. These boats were originally built in foreign shipyards in the 1930's, but since the mid-1980's they have been owned and operated by American citizens, repaired in American shipyards, and maintained with American products. The owner bought these boats due to their historic significance. These vessels are the only two remaining boats from a class of enormous sailing yachts built during the 1930's to compete for the America's Cup. As such, they are a very significant part of American maritime and yachting history. To better showcase these historic vessels the owner now wants to start a charter boat operation based out of Boston offering voyages of various durations to various destinations.

After reviewing the facts in the cases of the Shamrock V and the Endeavour, I do not believe that these waivers would compromise our national readiness in times of national emergency, which is the fundamental purpose of the Jones Act requirement. While I generally support the provisions of the Jones Act, I believe the specific facts in these two cases warrant waivers to permit the *Shamrock V* and the *Endeavour* to engage in coastwise trade. I hope and trust the Senate will agree and will speedily approve the bills being introduced today. Mr. President, I ask unanimous consent, that a complete copy of the bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Shamrock V,* (United States official number 900936).

S. 213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Endeavour,* (United States official number 947869).●

By Mr. INOUYE (for himself, Mr. HATCH, Mr. BRYAN, Mr. REID, Mr. SMITH, Mr. COATS, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. SHELBY, Mr. STEVENS, and Mr. HOLLINGS):

S. 216 A bill to repeal the reduction in the deductible portion of expenses for business meals and entertainment; to the Committee on Finance.

THE BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION ACT OF 1995

● Mr. INOUYE. Mr. President, today, I introduce legislation to restore the business meals and entertainment tax deduction to 80 percent. I am joined by Senators HATCH, BRYAN, REID, SMITH, COATS, JOHNSTON, FAIRCLOTH, SHELBY, STEVENS, and HOLLINGS. Restoration of this deduction is essential to the livelihood of the food service, travel and tourism, and entertainment industries throughout the United States. These industries are being economically harmed as a result of this reduction. All are major industries which employ millions of people, many of whom are already feeling the effects of the reduction.

The deduction for business meals and entertainment was reduced from 80 to 50 percent under the Omnibus Budget Reconciliation Act of 1993, and went into effect on January 1, 1994. Five months later, the American Express Travel Related Services Company, Inc., Conducted research between May 16 and June 17, 1994, to obtain an early indication of whether companies were aware of the new tax law and whether it was likely to impact on their spending on business meals. Telephone interviews involving 154 small size, 1 to 100 employees, and 152 mid-sized 101 to 1,500 employees, companies were made to travel and entertainment policy decisionmakers. Of those interviewed, 68 percent of the small size and 74 percent of the mid-sized companies indicated that they have either taken or anticipate taking some action that could potentially reduce restaurant spending. Some companies were prompted to change its policy and guidelines on travel and entertainment expenses as a result of the tax reduction in the business meals and entertainment expenses deduction.

Corporate businesses have also been forced to curtail their company reimbursement policies because of the reduction in the business meals and entertainment expenses deduction. In some cases, businesses have eliminated their expense accounts. Consequently, restaurant establishments, which have relied heavily on business lunch and dinner services, are being adversely affected by the reduction in business meals. For example:

Jay's Restaurant in Dayton, OH, was forced to close its lunch service because of the decline in business. This decision was based on 2,005 fewer lunch customers from January through June 1994 as compared to the same period in 1993. The result was a loss of 17 to 20 jobs.

Bianco's in Denver, CO, closed its lunch service in April 1994 because of the decline in business. Staff was reduced from 26 to 15 employees.

The Wall Street Restaurant in Des Monies, IA, has seen a 40-percent decline in revenues since the beginning of 1994. Staff was reduced from 50 to 35 employees.

In Middlesex County, NJ, the Boca Restaurant averaged 40 to 60 lunches per day prior to the beginning of 1994. The restaurant now serves between 5 to 15 lunches per day. Staff was reduced from 18 to 14 employees.

Le Grenadin, located in the garment district of Manhattan, averaged 60 to 70 lunches a day prior to the beginning of 1994. Lunch business has now declined by 30 percent. Staff hours have been reduced from a 5- to a 3-day workweek.

I sincerely hope that the business meals reduction to 50 percent does not become a Luxury Tax Two, in which the Congress moves toward restoration only after the damage has been done and huge job losses have occurred. Accordingly, I urge my colleagues to join me in cosponsoring this important legislation.

Mr. President, I ask unanimous consent that the bill text be printed in the RECORD.

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

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF REDUCTION IN BUSINESS MEALS AND ENTERTAINMENT TAX DEDUCTION.

(a) IN GENERAL.—Paragraph (1) of section 274(n) of the Internal Revenue Code of 1986 (relating to only 50 percent of meal and entertainment expenses allowed as deduction) is amended by striking ''50 percent'' and inserting ''80 percent''.

(b) CONFORMING AMENDMENT.—The heading for section 274(n) is amended by striking ''50'' and inserting ''80''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1993.●

Mr. HATCH. Mr. President, I rise today to join my colleague from Hawaii, Senator INOUYE, in introducing a bill to restore the deductible portion of the meals and entertainment expenses to 80 percent. As my colleagues know, the deduction was drastically reduced from 80 percent to 50 percent as part of the 1993 tax bill.

This change was a counterproductive way to raise revenue and comes at the expense of working Americans. Although this provision was ostensibly aimed at large corporations that have an undeserved reputation of abusing the meals and entertainment deduction, it has primarily hurt women, minority workers, and small businesses. This provision is similar to the ill-conceived luxury tax in that it so badly misses its intended target. In fact, almost 60 percent of employees in the food service industry are women, 20 percent are teenagers, and 12 percent are minorities. These are the people that the deduction limitation has hurt through lost jobs and reduced wages.

Contrary to what many might believe, most individuals who purchase business meals are small business persons; 70 percent have incomes below $50,000, 39 percent have incomes below $35,000, and 25 percent are self-employed. Moreover, 78 percent of business lunches and 50 percent of business dinners are purchased in low- to moderately-priced restaurants. The average amount spent on a business meal, per person, is about $9.39 for lunch and $19.58 for dinner. The business meal deduction is hardly the exclusive realm of the fat cats, Mr. President.

The deduction for meals and entertainment expenses is a legitimate business expense and should be deductible. The owners of most small and large businesses incur these costs in the everyday maintenance of their businesses. These expenses should be given the same treatment that other ordinary and necessary business expenses receive.

One group that has been particularly punished by the 50-percent limitation is the truckers. I have had hundreds of letters from Utah truckers who have been hurt by this unfair change in the law. Many truckers, as they transport important goods across the country, are forced to take their meals on the road. Because of the lower deduction, these truckers may pay an additional $200 to $300 or more a year in tax, depending upon their circumstances. By restoring the deduction to 80 percent, truckers, as well as many others, will receive fairer treatment.

Mr. President, I believe the 1993 tax bill went too far in reducing the deduction for meals and entertainment expenses. It is the small business owners, the truckdrivers, the traveling salespeople, and the restaurant workers who have suffered reduced wages or layoffs who are carrying the burden of this change. A restoration of the 80-percent limitation would bring this deduction back to a more equitable level for America's small business people and restaurant workers and is the right thing to do.

The restaurant industry employs millions of Americans across the Nation. Are we going to continue to allow the Tax Code to restrain job growth in certain industries with limitations such as this? The way to cut the deficit is not through raising taxes on lower and middle income Americans and through lost jobs, but through responsible fiscal constraint.

I urge my colleagues to support this bill.

By Mr. MCCONNELL (for himself and Mr. COVERDELL):

S. 218. A bill to repeal the National Voter Registration Act of 1993, and for other purposes; to the Committee on Rules and Administration.

THE MOTOR-VOTER REPEAL ACT OF 1995

● Mr. MCCONNELL. Mr. President, the States may finally receive some long-awaited relief from unfunded mandates, thanks to the winds of change which blew through the country last November. With passage of the unfunded mandates bill currently before the Senate, Congress will not be able to pile mandates on States as it has in the past. However, the unfunded mandates bill is prospective and will not undo the damage which past Congresses have done. The bill I am introducing today would undo some of the unfunded mandates damage by undoing a mandate. Specifically, it would repeal the so-called motor-voter law.

The motor-voter law made for a nice signing ceremony at the White House in 1993, a veritable extravaganza, in fact. It was an easy political hit. Proponents could revel secure in the knowledge that motor-voter sounded good and by dumping the burden on the States no unpopular budget offsets were required on the part of Congress or the President to pay for it.

But, as David Broder wrote in the Washington Post at that time, it was the kind of ''underfunded, overhyped legislation that gives Congress and Washington a bad name.''

Proponents said then that cost was not a problem, that it was a cheap bill. In that case, then finding a way to pay for it should not have been a problem. But Congress did not pay for it. And the fact is, State and local governments are finding that motor-voter is far more expensive than it was slated to be. Take Jefferson County, KY, for instance.

A Louisville Courier-Journal story reported just last month that Jefferson County clerk Rebecca Jackson estimates it will cost the county up to $1.4 million in just the first year. That tally includes over $700,000 for computer equipment and mailing costs of $165,000 annually. Seven employees may have to be hired as well, to cope with the added workload. These costs are not inconsequential, particularly at a time when everyone is feeling squeezed, not least of all—the taxpayers.

California Gov. Pete Wilson estimates it would cost his State alone nearly $36 million. That is why California and several other States are so put out by the motor-voter mandate that they have filed a lawsuit on the grounds that it violates the 10th amendment of the Constitution.

Those who would oppose this repeal will hold up retroactivity as some bugaboo that should not even be seriously considered. But this is one mandate, no doubt there are others, on which the clock should be turned back. It is not enough to keep things from getting worse, we must strive to make them better. From the standpoint of States and taxpayers, repealing motor-voter would be a big step forward.

What is the worst that could happen under a repeal? Why, some States might opt out. Others may not. The fact is, Congress was behind the curve in 1993: 27 States already had some form of motor-voter, and it stands to reason that they would continue to do so were the Federal mandate repealed. The critical point is that it would be their choice.

There would be nothing stopping States from adopting these provisions, other than cost. States would be at liberty to provide motor-voter, mail registration, and agency-based registration, just as they were prior to this mandate.

If they could afford it, fine. If they could not, fine. It should be their call. If motor-voter supporters in Congress would like to devise a model program—such as Federal grants to entice States into participating—go for it. Figure out a way to pay for it and let's vote on it. But the 1993 mandate was a bad deal for States, a bad deal for taxpayers, and it should be repealed.●

By Mr. NICKLES (for himself, Mr. BOND, Mrs. HUTCHISON, Mr. DOLE, Mr. GRASSLEY, Mr. ASHCROFT, Mr. COVERDELL, Mr. ABRAHAM, Mr. THOMPSON, Mr. BURNS, Mr. SHELBY, Mr. MCCONNELL, Mr. FAIRCLOTH, Mr. THOMAS, Mr. SMITH, Mr. MCCAIN, Mr. CRAIG, Mr. COATS, Mr. SANTORUM, Mr. MACK, Mr. GREGG, Mr. MURKOWSKI, Mr.

LOTT, Mr. KYL, Mr. THURMOND, Mr. HATCH, Mr. HELMS, Mr. INHOFE, Mr. SIMPSON, Mr. GRAMM, Mr. FRIST, Mr. GRAMS, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 219. A bill to ensure economy and efficiency of Federal Government operations by establishing a moratorium on regulatory rulemaking actions, and for other purposes; to the Committee on Governmental Affairs.

THE REGULATORY TRANSITION ACT

Mr. NICKLES. Mr. President, today I am introducing the Regulatory Transition Act of 1995—and Congressman TOM DELAY of Texas has offered nearly identical legislation in the House—that places a temporary moratorium on regulatory rulemaking effective from the day after the elections, November 9, 1994, through June 30, 1995.

Excessive regulation and redtape imposes an enormous burden on our economy. This hidden tax pushes up prices for goods and services on American households, dampens business investment, and limits the ability of small businesses to create jobs.

The Clinton administration's own National Performance Review, issued September 7, 1993, observed that the compliance costs imposed by Federal regulations on the private sector alone were ''at least $430 billion per year—9 percent of our gross domestic product.'' Other economists have placed the direct combined Federal regulatory burden on State and local governments and the private sector at between $500 billion a year and more than $850 billion a year.

The Clinton administration's National Performance Review promised to ''end the proliferation of unnecessary and unproductive rules.'' But the flood of excessive regulations has not subsided. It has, in fact, increased during the current administration. For each of the first 2 years of the Clinton administration, the number of pages of actual regulations and notices published in the Federal Register has exceeded any year since the Carter administration.

As a matter of fact, if we look at a chart—and I have a chart that I will later pull out for the floor—if you look at it, the Carter administration had the highest number of pages in the Federal Register in history. Actually, over 73,000 pages. That number declined substantially during the Reagan administration. It fell all the way down to 44,000 pages. It declined significantly during the Reagan administration. During President Bush's administration, it climbed all the way up to 57,000. Now during the Clinton administration, the first 2 years, it is above 64,000, almost 65,000. The pages in the Federal Register declined during the Reagan era, climbed up somewhat during the Bush era, and it is exploding during the Clinton administration.

That is why the majority leader, BOB DOLE, has designated regulatory reform as one of the top priorities of the 104th Congress and created a task force to be led by Senator KAY BAILEY HUTCHISON and Senator KIT BOND to look at ways of cutting through the redtape.

I am happy to be part of this task force. We have been talking about the best way to begin dealing with this massive problem. On November 14, less than 1 week after the American people sent a clear signal for less Government and less regulations and less spending, the administration published three volumes containing outlines for more than 4,300 administration regulations that it intends to pursue during fiscal year 1995 and beyond.

We decided the first step to reform should be to put a hold on the new regulations so we could have a chance to sort through these pages and figure out whether or not there are things that are necessary and maybe some of which are not necessary.

On December 12 of last year, BOB DOLE and myself and other House and Senate Members wrote to President Clinton and asked if he would impose a 100-day moratorium on the new regulations. The administration responded on December 14, 1994, with a letter from Sally Katzen, Director of the Office of Information and Regulatory Affairs.

In her letter she states that the Clinton administration rejects the request for a moratorium, calling a moratorium a ''blunderbuss that could work in unintended ways.'' The Clinton administration deliberately ignored the health and safety exceptions suggested by Republican leaders and raised the emotional examples of regulations dealing with tainted meat and Desert Storm syndrome.

The President, in declining to impose a moratorium himself, cited one of the reasons being that a moratorium would stop rules from being issued regardless of the merit. He claims it would stop the Department of Agriculture, for example, from dealing with tainted meat in the food supply.

I want to clarify that this concern is totally, completely unfounded. The moratorium we are proposing specifically exempts regulations designed to remedy imminent threats to health and safety or other emergencies as determined by the agency head and the President.

This act also excludes any regulations that reduces or streamlines the Federal Government and any regulation that is necessary for the day-to-day operations of Federal agencies.

For example, this moratorium would not in any way prevent the Federal Energy and Regulation Commission from denying or approving electric or gas transportation rate modifications. Currently, local utility operators file rate-increase requests with the FERC. Approval or denial is part of the Commission's daily operations and would be excluded from this moratorium under the exclusion provided for granting licenses or applications.

Also, regulations to ensure that Federal agencies continue to undertake regulatory actions that are required by Federal law that, when completed, will streamline a rule, regulation, administration process or reduce an existing regulatory burden would also be excluded.

For example, a pending regulation requiring the Secretary of Transportation to lift certain hours-of-service requirements from farmers operating agriculture equipment would be excluded from this moratorium because it essentially reduces Government interference in the operations of the farms in our Nation.

So, I will just reiterate that our goal here is not to be a roadblock to important measures related to health and safety of the American people, or to tie the hands of agencies trying to carry out daily operations, or streamline or to delay steps taken to reduce or streamline Government.

I have said many times I have no doubt that there are some regulations within these three volumes that are good and necessary, and we should move with all swiftness to enact them. But I also know that there are some regulations that are not necessary. There are not cost effective. They do not streamline bureaucracy; they expand it. Let us put a hold on these and take a look to make sure that we do what we can do to reduce Government, reduce spending, and ease the crushing economic burden that the Federal regulations have created for the private sector and local governments.

Mr. President, in looking at this list of regulations that was announced or cataloged by the November 14 release, there are over 4,300 regulatory actions proposed for the year 1995 and beyond; primarily 1995 and 1996. Between October 1994 and April 1995 the Clinton administration is scheduled to issue 872 rules.

Mr. President, I will just say I am sure some of the rules are needed, but I am quite confident many are not. I am quite confident that many are not cost effective. Many have not been analyzed for scientific analysis, many of which the benefits to not exceed their cost. We should stop those regulations. This moratorium will allow us to have the time to review those regulations, plus allow those that are beneficial to go forward. Let us stop those that are not.

Mr. President, I wish this was not necessary. I wish the administration would have taken our suggestion and made the moratorium, and made it on their own initiative. Then they would have total control over deciding what is effective and what is in order. They refused that offer. Maybe they will reconsider. Congressman DELAY, myself, Senator BOND, Senator HUTCHISON, also Congressman MCINTOSH met with representatives of the administration yesterday and requested such actions. They did say they would be willing to talk with us, and hopefully those talks

will be fruitful and we can stop a lot of unnecessary regulations. In the event they are not, we plan on proceeding ahead with this legislation.

I have several cosponsors of this legislation, which I will now read for the record as well: In addition to myself, we have Senators BOND, HUTCHISON, DOLE, GRASSLEY, ASHCROFT, COVERDELL, ABRAHAM, THOMPSON, BURNS, SHELBY, MCCONNELL, FAIRCLOTH, THOMAS, SMITH, MCCAIN, CRAIG, COATS, SANTORUM, MACK, GREGG, MURKOWSKI, LOTT, KYL, THURMOND, HATCH, HELMS, INHOFE, SIMPSON, GRAMS of Minnesota, FRIST, GRAMM of Texas, BENNETT, and KEMPTHORNE. Mr. President, there are additional cosponsors out there.

My point is that this act has overwhelming support in the Senate. I hope that the administration will take our suggestion and impose voluntarily this moratorium. If not, it is my intention to pursue this, not necessarily as an amendment on this legislation; I want this legislation to pass. I want it to pass and I want it to be signed. I want it to become law.

I have noticed that some of our colleagues on the other side of the aisle seem to have an affinity to try to love a piece of legislation to death and want to put every amendment they can on a bill. This bill I have just introduced is an attractive amendment. It may well pass on this bill. I decided to introduce it separately.

We are requesting the Governmental Affairs Committee to have hearings on it as quickly as possible. I might mention that the House of Representatives is having hearings on this this Thursday. They plan on moving forward on it as well. I think we have provided exceptions that are necessary for the orderly transition of Government, for regulations that are necessary to go forward. It also provides for at least delay through the month of June to allow us to review other regulations to make sure that they are beneficial and cost effective.

Mr. President, I have this bill, and I will send it to the desk and introduce it accompanying my statement. I yield the floor.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 222. A bill to amend the Dairy Production Stability Act of 1983 to ensure that all persons who benefit from the Dairy Promotion and Research Program contribute to the cost of the program, to provide for periodic producer referenda on continuation of the program, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

DAIRY PROMOTION PROGRAM IMPROVEMENT ACT

● Mr. FEINGOLD. Mr. President, I am introducing the Dairy Promotion Program Improvement Act, legislation which improves the accountability of the National Dairy Promotion and Research Board. The bill also eliminates some of the inequities in the current program that can no longer be tolerated in light of the recent passage of the Uruguay round of the General Agreement on Tariffs and Trade. I am pleased to be joined by Senator KOHL today on this very important legislation.

This bill is not about whether the Dairy Promotion Program works or whether it should be continued. That is an issue to be left to the producers who fund the program. This legislation is designed to provide producers with a greater voice in the program which they fund and to make sure that all those who benefit from the program also pay into it. If passed, this bill will result in a dairy board that is stronger, more effective and more responsive to dairy farmers.

The Dairy Promotion Program Improvement Act eliminates the inappropriate practice of cooperative bloc voting in producer referendum on the National Dairy Board, requires periodic referenda so that producers have an opportunity to review their program on a regular basis, and requires importers to contribute to the program since they benefit from it.

The National Dairy Promotion and Research Program collects roughly $225 million every year from dairy farmers each paying a mandatory 15 cents for every 100 pounds of milk they produce. The program is designed to promote dairy products to consumers and to conduct research relating to milk production, processing, and marketing.

While 15 cents may appear to be a small amount of money, multiplied by all the milk marketed in this country, it adds up to thousands of dollars each year for the average producer. Also consider that the amount of money collected under this program annually—$225 million—is just slightly less than the cost of the entire Diary Price Support Program in recent years. Given the magnitude of this program, it is critical that Congress take seriously the concerns producers have about their promotion program.

Since participation in the checkoff is mandatory and producers are not allowed refunds, Congress required that producers vote in a referendum to approve the program after it was authorized.

The problem is that Congress didn't provide for a fair and equitable voting process in the original act and it's time to correct our mistake. My bill does that by eliminating a process known as bloc voting by milk marketing cooperatives.

Under current law, dairy cooperatives are allowed to cast votes in producer referenda for all of their farmer-members, either in favor of or against continuation of the National Dairy Board. While individual dissenters from the co-op position are allowed to vote individually, many farmers and producer groups claim the process stacks the deck against those seeking reform of the program.

Mr. President, the problem bloc voting creates is best illustrated by the results of the August 1993 producer referendum on continuation of the National Dairy Promotion and Research Board, called for by a petition of 16,000 dairy farmers. In that referendum, 59 dairy cooperatives voting en bloc, cast 49,000 votes in favor of the program. 7,000 producers from those cooperatives went against co-op policy and voted individually against continuing the program.

While virtually all of the votes in favor of the program were cast by cooperative bloc vote, nearly 100 percent of the votes in opposition were cast by individuals. Bloc voting allows cooperatives to cast votes for every indifferent or ambivalent producer in their membership, drowning out the voices of dissenting producers. It biases the referendum in favor of the Dairy Board's supporters, whose votes should not have greater weight than the dissenters.

Bloc voting may be appropriate for referenda on Federal milk marketing order decisions, for which the practice is also allowed. The complex Federal order system and its associated rules and regulations directly affect the ability of the cooperative to act as the marketing agent for their members. The authority for co-ops to bloc vote in that circumstance is not affected by my bill. However, bloc voting for matters beyond marketing orders is far less appropriate.

In the 103d Congress, I called for a hearing in the Senate Agriculture Committee to address this very issue. As a supporter of agricultural cooperatives, I was concerned about how eliminating bloc voting might affect them.

Mr. President, there was no information provided in that hearing that has persuaded me that bloc voting in Dairy Board referenda is a critical authority for cooperatives. There was no evidence presented that eliminating that authority would handicap a cooperative's efforts to market dairy products. It seems clear that generic promotion programs focused on long-term research and market development, such as the National Dairy Promotion and Research, do not affect the day-to-day marketing abilities of a cooperative. In fact, the vague nature of the arguments in support of bloc voting has further convinced me that there is little justification for the practice.

The inappropriate nature of bloc voting in Dairy Board referendum is even clearer given that none of our 16 commodity promotion programs, other than dairy, allow cooperatives to bloc vote despite the existence of marketing cooperatives for those commodities. Were bloc voting in producer referenda fundamental to cooperative theory, one would expect to see this authority provided in other programs.

Mr. President, my bill also establishes periodic referenda on continuation of the Dairy Promotion Program in order to provide producers with an opportunity to review their program. The National Dairy Research and Promotion Board continues into perpetuity with no sunset date and no system for regular review by producers. By requiring regular referenda, my bill will increase the accountability of the Dairy Board to their producer. It is critical that a program of this magnitude be regularly reassessed and reaffirmed by those who foot the bill.

Lastly, Mr. President, my bill provides equity to domestic producers who have been paying into the Promotion Program for over 10 years while importers have gotten a free ride. Since the National Dairy Promotion and Research Board conducts only generic promotion and general product research, domestic farmers and importers alike benefit from these actions. The Dairy Promotion Program Improvement Act requires that all dairy product importers contribute to the program. This provision is particularly important in light of the recent passage of the GATT which will result in greater imports. We have put our own producers at a competitive disadvantage for far too long. It's high time importers paid for their fair share of the program.

Mr. President, I ask unanimous consent to include in the RECORD letters of support for my bill from the Farmers Union Milk Marketing Cooperative and the National Farmers Union.

I am also pleased to be an original cosponsor of the National Dairy Promotion Board Reform Act introduced today by Senator KOHL. That bill further enhances producer representation on the National Dairy Board by providing for the direct election of National Dairy Board members, rather than appointment by the Secretary. That process will allow producers to elect members to the Board that represent their views on promotion and eliminates the divisive impact of the political appointment process on the Dairy Board. Direct producer election of board members should also increase the accountability to their fellow dairy farmers.

I believe that these two bills together comprise a sound reform package for the National Dairy Promotion and Research Board by providing a stronger voice to dairy farmers. These reforms will create a stronger, more effective and more representative Dairy Board. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the bill and several letters be printed in the RECORD.

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

S. 222

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Dairy Promotion Program Improvement Act of 1995''.

SEC. 2. FUNDING OF DAIRY PROMOTION AND RESEARCH PROGRAM.

(a) DECLARATION OF POLICY.—The first sentence of section 110(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4501(b)) is amended—

(1) by inserting after ''commercial use'' the following: ''and on imported dairy products''; and

(2) by striking ''products produced in'' and inserting ''products produced in or imported into''.

(b) DEFINITIONS.—Section 111 of the Act (7 U.S.C. 4502) is amended—

(1) in subsection (k), by striking ''and'' at the end;

(2) in subsection (l), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new subsections:

''(m) the term 'imported dairy product' means—

''(1) any dairy product, including milk and cream and fresh and dried dairy products;

''(2) butter and butterfat mixtures;

''(3) cheese;

''(4) casein and mixtures; and

''(5) other dairy products;

that are imported into the United States; and

''(n) the term 'importer' means a person that imports an imported dairy product into the United States.''.

(c) FUNDING.—

(1) REPRESENTATION ON BOARD.—Section 113(b) of the Act (7 U.S.C. 4504(b)) is amended—

(A) by designating the first through ninth sentences as paragraphs (1) through (5) and paragraphs (7) through (10), respectively;

(B) in paragraph (1) (as so designated), by striking ''thirty-six'' and inserting ''38'';

(C) in paragraph (2) (as so designated), by striking ''Members'' and inserting ''Of the members of the Board, 36 members''; and

(D) by inserting after paragraph (5) (as so designated) the following new paragraph:

''(6) Of the members of the Board, 2 members shall be representatives of importers of imported dairy products. The importer representatives shall be appointed by the Secretary from nominations submitted by importers under such procedures as the Secretary determines to be appropriate.''.

(2) ASSESSMENT.—Section 113(g) of the Act is amended—

(A) by designating the first through fifth sentences as paragraphs (1) through (5), respectively; and

(B) by adding at the end the following new paragraph:

''(6)(A) The order shall provide that each importer of imported dairy products shall pay an assessment to the Board in the manner prescribed by the order.

''(B) The rate of assessment on imported dairy products shall be determined in the same manner as the rate of assessment per hundredweight or the equivalent of milk.

''(C) For the purpose of determining the assessment on imports under subparagraph (B), the value to be placed on imported dairy products shall be established by the Secretary in a fair and equitable manner.''.

(3) RECORDS.—The first sentence of section 113(k) of the Act is amended by striking ''person receiving'' and inserting ''importer of imported dairy products, each person receiving''.

(4) REFERENDUM.—Section 116 of the Act (7 U.S.C. 4507) is amended by adding at the end the following new subsection:

''(d)(1) On the request of a representative group comprising 10 percent or more of the number of producers subject to the order, the Secretary shall—

''(A) conduct a referendum to determine whether the producers favor suspension of the application of the amendments made by section 2 of the Dairy Promotion Program Improvement Act of 1995; and

''(B) suspend the application of the amendments until the results of the referendum are known.

''(2) The Secretary shall continue the suspension of the application of the amendments made by section 2 only if the Secretary determines that suspension of the application of the amendments is favored by a majority of the producers voting in the referendum who, during a representative period (as determined by the Secretary), have been engaged in the production of milk for commercial use.''.

SEC. 3. PERIODIC REFERENDA.

Section 115(a) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4506(a)) is amended—

(1) in the first sentence, by striking ''Within the sixty-day period immediately preceding September 30, 1985'' and inserting ''Every 5 years''; and

(2) in the second sentence, by striking ''six months'' and inserting ''3 months''.

SEC. 4. PROHIBITION ON BLOC VOTING.

Section 117 of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4508) is amended—

(1) in the first sentence, by striking ''Secretary shall'' and inserting ''Secretary shall not''; and

(2) by striking the second through fifth sentences.

FARMERS UNION,
MILK MARKETING COOPERATIVE,
Madison, WI, December 22, 1994.

Hon. RUSS FEINGOLD,
U.S. Senate, Washington, DC.

DEAR RUSS: The FUMMC Board of Directors yesterday unanimously approved a motion expressing strong support for your new legislation, the Dairy Promotion Program Improvement Act of 1995. We enthusiastically support these reforms needed to make the National Dairy Board more accountable and responsive to the dairy producers who pay the bills and are too often taken for granted.

FUMMC's long-standing policy is that dairy imports should be subject to the mandatory promotion checkoff. Nine of 17 existing commodity checkoff programs, including beef, pork, cotton, honey, pecans and potatoes, currently assess imports and dairy should be no exception. Dairy imports are an important part of the supply problem and will substantially increase as we lose Section 22 when the new GATT agreement goes into effect next year. This makes it all the more urgent to make imports pay their fair share. Regarding GATT, we sincerely appreciate your courageous vote against the Uruguay Round in the Senate earlier this month.

The automatic review referendum will make the National Dairy Board more accountable to the producers who pay the mandatory checkoff. The prohibition on bloc voting is consistent with dairy farmers' right to make their own decisions of fundamental questions about the future of the National Dairy Board. Bloc voting interferes with that right.

We also greatly appreciate your standing up so strongly for dairy producers in the proposed consolidation of the Cattlemen's Beef Board, the National Cattlemen's Association and two other beef entities. I know that our members greatly appreciate your speaking at our recent District 9 meeting in Madison on key issues including the beef merger and

your plans for a possible legislative response if the merger is approved.

Sincerely,

STEWART G. HUBER,
President.

NATIONAL FARMERS UNION,
OFFICE OF THE PRESIDENT,
Washington, DC, January 11, 1995.

Re Dairy Promotion Program Improvement Act of 1995.

Hon. RUSS FEINGOLD,
U.S. Senator, Washington, DC.

DEAR SENATOR FEINGOLD: I am writing on behalf of the over 253,000 members of the National Farmers Union to express our strong support for the Dairy Promotion Program Improvement Act of 1995.

The policy statement of the National Farmers Union, adopted by delegates to our 92nd annual convention last spring, specifically recommends that dairy imports be subject to the same research and promotion assessments collected from domestic dairy producers. Failure to collect the assessment on imports puts U.S. producers at a competitive disadvantage, while yet allowing importers to benefit from the activities of the Dairy Promotion and Research Board.

National Farmers Union also supports other provisions of the bill which:

(1) require the Secretary to conduct a referendum on request of a group comprising 10 percent of more of the producers;

(2) require a referendum every 5 years; and

(3) prohibit bloc voting.

We believe these provisions are essential to ensure that the board remains accountable to the producers it was created to represent.

Members of the National Farmers Union have not yet taken a position on the issue of expanding the board to include importer representation. While our organization is generally supportive of allowing all those who are assessed to be represented, we are not aware of any other countries who require U.S. representation on their domestic research and promotion boards. This issue will receive further attention at our upcoming annual meeting in Milwaukee, Wisconsin.

Thank you for your work to improve the fairness and accountability of the research and promotion board operations. Your strong representation and continued effort on behalf of America's family farmers are greatly appreciated.

Sincerely,

LELAND SWENSON,
President.●

By Mr. BRADLEY (for himself and Mr. LAUTENBERG):

S. 223. A bill to authorize the Secretary of the Interior to provide funds to the Palisades Interstate Park Commission for acquisition of land in the Sterling Forest area of the New York/New Jersey Highlands Region, and for other purposes; to the Committee on Energy and Natural Resources.

STERLING FOREST PROTECTION ACT

● Mr. BRADLEY. Mr. President, I am pleased to announce that today I am introducing legislation to allow the preservation of the Sterling Forest. My colleague, Senator LAUTENBERG, is joining me as a cosponsor on this important bill. Although located entirely in New York, the area affected by this bill represents some of the most critical New Jersey watershed still left undeveloped and in private hands.

Sterling Forest represents the largest unbroken, undeveloped tract of forest land still remaining along the New York-New Jersey border. This 20 square mile parcel represents a complete range of wildlife habitat, hills, and wetlands. It is home to a large number of threatened and endangered species. The Forest is crossed in the north by the Appalachian Trail and is easily accessible by the 1 of every 12 Americans that lives within a 2 hour drive of its boundaries.

Most important for New Jersey, though, are the billions of gallons of fresh, clean drinking water that flow from its boundaries. The Monksville/Wanaque reservoirs, which draw from the Sterling Forest Watershed, serve one in four New Jerseyans. Let me be perfectly clear: I am talking about the water supply for roughly 1.5 million Americans. To threaten this watershed is to threaten the livelihood and well-being of an extraordinary number of my constituents.

Of great concern to me and my constituents are development plans for this region. One proposal offered by the Sterling Forest owners calls for over 14,000 homes and 8 million square feet of commercial space to be built by 2020. Even if this development were concentrated in the least environmentally critical and most accessible tracts, this construction will irrevocable alter this land. You can't move 100,000 people into a pristine 20-square-mile parcel and predict a minor impact on the environment.

This bill is a necessary step if we are to protect this habitat and watershed. It allows an appropriation of up to $17.5 million for land acquisition. Furthermore, it designates the Palisades Interstate Park Commission [PIPC] a Federal commission created in 1937, to manage this land.

One of the issues that has to be addressed in any expansion to park land is management. We all know how taxed is the National Park Service. The presence of the PIPC eliminates any concerns over competence and capability. Right now, the PIPC manages 23 parks which spread over 82,000 acres and host in excess of 8 million visitors annually. The PIPC has the interest and track record necessary to give us all a level of comfort that these Sterling Forest tracts, once acquired, will be well managed and protected.

Mr. President, last Congress we had a hearing on this bill before the Senate Energy Committee. At that hearing, I believe a convincing case was made that the Sterling Forest represents the highest priority target for land acquisition:

It has critical habitat and interstate watershed values; it protects a National Park unit of international significance, the Appalachian Trail; it is parkland accessible to tens of millions of Americans an area dominated by pavement; and it is directly threatened by near-term development and loss.

At that hearing, I believe a convincing case was made that this was a unique instance, with a clear need for Federal involvement and a Federal interest. The critical shortage of habitat has been documented by the U.S. Fish and Wildlife Service and the U.S. Forest Service. The Federal Government has been acquiring habitat of similar characteristics to the Sterling Forest in a newly established national wildlife refuge, the Wallkill Refuge, about 20 miles away. I have already mentioned the Appalachian Trail and the federally authorized PIPC. And I return one last time to the issue of water supply.

Mr. President, I have been in past Congresses the chairman of the Senate Subcommittee on Water and Power. Over the past few years, I have learned quite a bit about the relationship between water and the Federal interest. This Sterling Forest tract is crucial watershed to more people than live in any 1 of 13 States. Does anyone here believe that if the water supply of the State of Montana or Wyoming or South Dakota were seriously threatened that the Federal Government wouldn't contribute $17.5 million towards a remedy? The fact is that 10 times or 100 times this amount would be forthcoming.

I believe that both New York and New Jersey are ready to endorse—with their wallets—this project. We are ready to go. What is needed, what has to happen, is Federal leadership and Federal support.

Mr. President, I urge my colleagues to consider this legislation and act positively, with all possible speed.

I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sterling Forest Protection Act of 1995''.

SEC. 2. FINDINGS.

The Congress finds that—

(1) the Palisades Interstate Park Commission was established pursuant to a joint resolution of the 75th Congress approved in 1937 (Public Resolution No. 65; ch. 706; 50 Stat. 719), and chapter 170 of the Laws of 1937 of the State of New York and chapter 148 of the Laws of 1937 of the State of New Jersey;

(2) the Palisades Interstate Park Commission is responsible for the management of 23 parks and historic sites in New York and New Jersey, comprising over 82,000 acres;

(3) over 8,000,000 visitors annually seek outdoor recreational opportunities within the Palisades Park System;

(4) Sterling Forest is a biologically diverse open space on the New Jersey border comprising approximately 17,500 acres, and is a highly significant watershed area for the State of New Jersey, providing the source for clean drinking water for 25 percent of the State;

(5) Sterling Forest is an important outdoor recreational asset in the northeastern United States, within the most densely populated metropolitan region in the Nation;

(6) Sterling Forest supports a mixture of hardwood forests, wetlands, lakes, glaciated valleys, is strategically located on a wildlife

migratory route, and provides important habitat for 27 rare or endangered species;

(7) the protection of Sterling Forest would greatly enhance the Appalachian National Scenic Trail, a portion of which passes through Sterling Forest, and would provide for enhanced recreational opportunities through the protection of lands which are an integral element of the trail and which would protect important trail viewsheds;

(8) stewardship and management costs for units of the Palisades Park System are paid for by the States of New York and New Jersey; thus, the protection of Sterling Forest through the Palisades Interstate Park Commission will involve a minimum of Federal funds;

(9) given the nationally significant watershed, outdoor recreational, and wildlife qualities of Sterling Forest, the demand for open space in the northeastern United States, and the lack of open space in the densely populated tri-state region, there is a clear Federal interest in acquiring the Sterling Forest for permanent protection of the watershed, outdoor recreational resources, flora and fauna, and open space; and

(10) such an acquisition would represent a cost effective investment, as compared with the costs that would be incurred to protect drinking water for the region should the Sterling Forest be developed.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to establish the Sterling Forest Reserve in the State of New York to protect the significant watershed, wildlife, and recreational resources within the New York-New Jersey highlands region;

(2) to authorize Federal funding, through the Department of the Interior, for a portion of the acquisition costs for the Sterling Forest Reserve;

(3) to direct the Palisades Interstate Park Commission to convey to the Secretary of the Interior certain interests in lands acquired within the Reserve; and

(4) to provide for the management of the Sterling Forest Reserve by the Palisades Interstate Park Commission.

SEC. 4. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term ''Commission'' means the Palisades Interstate Park Commission established pursuant to Public Resolution No. 65 approved August 19, 1937 (ch. 707; 50 Stat. 719).

(2) RESERVE.—The term ''Reserve'' means the Sterling Forest Reserve.

(3) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 5. ESTABLISHMENT OF THE STERLING FOREST RESERVE.

(a) ESTABLISHMENT.—Upon the certification by the Commission to the Secretary that the Commission has acquired sufficient lands or interests therein to constitute a manageable unit, there is established the Sterling Forest Reserve in the State of New York.

(b) MAP.—

(1) COMPOSITION.—The Reserve shall consist of lands and interests therein acquired by the Commission within the approximately 17,500 acres of lands as generally depicted on the map entitled ''Boundary Map, Sterling Forest Reserve, numbered SFR–60,001 and dated July 1, 1994.

(2) AVAILABILITY FOR PUBLIC INSPECTION.—The map described in paragraph (1) shall be on file and available for public inspection in the offices of the Commission and the appropriate offices of the National Park Service.

(c) TRANSFER OF FUNDS.—Subject to subsection (d), the Secretary shall transfer to the Commission such funds as are appropriated for the acquisition of lands and interests therein within the Reserve.

(d) CONDITIONS OF FUNDING.—

(1) AGREEMENT BY THE COMMISSION.—Prior to the receipt of any Federal funds authorized by this Act, the Commission shall agree to the following:

(A) CONVEYANCE OF LANDS IN EVENT OF FAILURE TO MANAGE.—If the Commission fails to manage the lands acquired within the Reserve in a manner that is consistent with this Act, the Commission shall convey fee title to such lands to the United States, and the agreement stated in this subparagraph shall be recorded at the time of purchase of all lands acquired within the Reserve.

(B) CONSENT OF OWNERS.—No lands or interest in land may be acquired with any Federal funds authorized or transferred pursuant to this Act except with the consent of the owner of the land or interest in land.

(C) INABILITY TO ACQUIRE LANDS.—If the Commission is unable to acquire all of the lands within the Reserve, to the extent Federal funds are utilized pursuant to this Act, the Commission shall acquire all or a portion of the lands identified as ''National Park Service Wilderness Easement Lands'' and ''National Park Service Conservation Easement Lands'' on the map described in section 5(b) before proceeding with the acquisition of any other lands within the Reserve.

(D) CONVEYANCE OF EASEMENT.—Within 30 days after acquiring any of the lands identified as ''National Park Service Wilderness Easement Lands'' and ''National Park Service Conservation Easement Lands'' on the map described in section 5(b), the Commission shall convey to the United States—

(i) conservation easements on the lands described as ''National Park Service Wilderness Easement Lands'' on the map described in section 5(b), which easements shall provide that the lands shall be managed to protect their wilderness character; and

(ii) conservation easements on the lands described as ''National Park Service Conservation Easement Lands'' on the map described in section 5(b), which easements shall restrict and limit development and use of the property to that development and use that is—

(I) compatible with the protection of the Appalachian National Scenic Trail; and

(II) consistent with the general management plan prepared pursuant to section 6(b).

(2) MATCHING FUNDS.—Funds may be transferred to the Commission only to the extent that they are matched from funds contributed by non-Federal sources.

SEC. 6. MANAGEMENT OF THE RESERVE.

(a) IN GENERAL.—The Commission shall manage the lands acquired within the Reserve in a manner that is consistent with the Commission's authorities and with the purposes of this Act.

(b) GENERAL MANAGEMENT PLAN.—Within 3 years after the date of enactment of this Act, the Commission shall prepare a general management plan for the Reserve and submit the plan to the Secretary for approval.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act, to remain available until expended.

(b) LAND ACQUISITION.—Of amounts appropriated pursuant to subsection (a), the Secretary may transfer to the Commission not more than $17,500,000 for the acquisition of lands and interests in land within the Reserve.●

● Mr. LAUTENBERG. Mr. President, I am pleased to join Senator BILL BRADLEY in introducing legislation that would authorize the Federal Government to provide up to $17.5 million to purchase land in the Sterling Forest area of the New York/New Jersey Highlands region. These funds are critical to preserving the largest pristine private land area in the most densely populated metropolitan region of the United States.

The Sterling Forest is located in the highlands region on the New Jersey and New York border, within a 2-hour drive of more than 20 million people; 2,000 acres on the New Jersey side were acquired by the State by eminent domain. However, the tract of land on the New York side, some 17,500 acres, is owned by a private corporation and is under constant threat of development.

The current owners of the land have mapped out an ambitious plan that, if implemented, would be the largest real estate venture in the United States. The plan calls for 14,200 houses and over 8 million square feet of commercial and light industrial space. The development would include schools, shopping malls, sewage plants, and residential areas.

The proposed development would also harm the environment: 5 million gallons of treated sewage effluent would be discharged daily into streams, and road salts, petroleum products, pesticides, and other contaminants would result in substantial nonpoint source pollution.

As damaging as that would be, I am most concerned about the potential effects on New Jersey's water supply. Sterling Forest is an important watershed for New Jerseyans. The forest provides 18 percent of the clean water flow into the Wanaque/Monksville Reservoir System. The Wanaque system delivers drinking water to over 80 cities and towns in northern New Jersey, which represent 25 percent of the State's population.

Mr. President, we ought not allow such desecration. Sterling Forest is worth preserving. It is nothing short of beautiful. Its rugged topography is good for wildlife, many threatened or endangered species, for hikers and naturalists and for the watershed—not for development.

That is why we need to do all we can to protect this resource. This bill authorizes up to $17.5 million to be provided to the Palisades Interstate Park Commission for the purchase of Sterling Forest. The commission has played a critical role in negotiating among private and public parties to strike a compromise with the current owners of Sterling Forest. A compromise is possible. But we need the backing of these Federal funds to make it happen.

Mr. President, we need this bill to preserve not just an environmentally pristine tract of land, but also to ensure that one-quarter of New Jersey's residents' water supply is protected.●

By Mr. KOHL (for himself and Mr. FEINGOLD):

S. 224. A bill to amend the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of producers, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

NATIONAL DAIRY PROMOTION REFORM ACT

● Mr. KOHL. Mr. President, one of the basic tenets upon which this Nation was founded was that there should be no taxation without representation. But the dairy farmers of this Nation know all too well that taxation without representation continues today. They live with that reality in their businesses every day.

Dairy farmers are required to pay a 15-cent tax, in the form of an assessment, on every 100 pounds of milk that they sell. This tax goes to fund dairy promotion activities, such as those conducted by the National Dairy Promotion and Research Board, commonly known as the National Dairy Board. Yet these same farmers that pay hundreds, or in some cases thousands, of dollars every year for these mandatory promotion activities have no direct say over who represents them on that Board.

In the summer of 1993, a national referendum was held giving dairy producers the opportunity to vote on whether or not the National Dairy Board should continue. The referendum was held after 16,000 dairy producers, more than 10 percent of dairy farmers nationwide, signed a petition to the Secretary of Agriculture calling for the referendum.

Farmers signed this petition for a number of reasons. Some felt they could no longer afford the promotion assessment that is taken out of their milk checks every month. Others were frustrated with what they perceived to be a lack of clear benefits from the promotion activities. And still others were alarmed by certain promotion activities undertaken by the Board with which they did not agree. But overriding all of these concerns was the fact that dairy farmers have no direct power over the promotion activities which they fund from their own pockets.

When the outcome of the referendum on continuing the National Dairy Board was announced, it had passed overwhelmingly. But because nearly 90 percent of all votes cast in favor of continuing the Board were cast by bloc-voting cooperatives, there has been skepticism among dairy farmers about the validity of the vote.

While I believe that dairy promotion activities are important for enhancing markets for dairy products, it matters more what dairy farmers believe. After all, they are the ones who pay hundreds or thousands of dollars every year for these promotion activities. And they are the ones who have no direct say over who represents them on that Board.

It is for this reason that I rise today to introduce the National Dairy Promotion Reform Act of 1995.

Some in the dairy industry have argued that this issue is dead, and that to reintroduce such legislation will only reopen old wounds. But I must respectfully disagree.

The intent of this legislation is not to rehash the referendum debate, which was a contentious one. Instead, the intent is to look forward.

Farmers in my State have traditionally been strong supporters of the cooperative movement, because the cooperative business structure has given them the opportunity to be equal partners in the businesses that market their products and supply their farms. I have been a strong supporter of the cooperative movement for the same reason.

But there is a growing dissention among farmers that I believe is dangerous to the long-term viability of agricultural cooperatives. As I talk to farmers around Wisconsin, I am hearing a growing concern that their voices are not being heard by their cooperatives. They frequently cite the 1993 National Dairy Board referendum as an example. The bill that I am introducing today seeks to address that concern, by giving dairy farmers a more direct role in the selection of their representatives on the National Dairy Board. Whereas current law requires that members of the National Dairy Board be appointed by the Secretary of Agriculture, this legislation would require that the Board be an elected body.

Further, although the legislation would continue the right of farmer cooperatives to nominate individual members to be on the ballot, bloc voting by cooperatives would be prohibited for the purposes of the election itself. There are many issues for which the cooperatives can and should represent their members. But on this issue, farmers ought to speak for themselves.

It is my hope that this legislation will help restore the confidence of the U.S. dairy farmer in dairy promotion. To achieve that confidence, farmers need to know that they have direct power over their representatives on the Board. This bill gives them that power.

I welcome my colleague from Wisconsin, Senator FEINGOLD, as an original cosponsor of this bill, and I am also pleased to join today as an original cosponsor of his legislation, the Dairy Promotion Program Improvement Act of 1995.

Senator FEINGOLD'S legislation would make other needed improvements in the National Dairy Promotion Program. Specifically, the bill would require that imported dairy products be subject to the same dairy promotion assessment as are paid on domestic dairy products today. Further, Senator FEINGOLD's bill would provide this Nation's dairy farmers a chance to renew their support for the Dairy Promotion Program on regular basis, by requiring a referendum of farmers every 5 years, without bloc voting.

I thank my colleague Senator FEINGOLD for his efforts on these matters, and I believe that our two bills provide Dairy Promotion Program reforms that are both complementary and necessary.

NATIONAL DAIRY PROMOTION REFORM ACT OF 1995—SUMMARY OF THE BILL

The bill would amend the Dairy Production Stabilization Act of 1983 to require that future members of the National Dairy Board be elected directly by dairy producers, and not appointed by the Secretary of Agriculture as they are currently.

The bill would also prohibit the practice of bloc voting of members by producer cooperatives for the purposes of the Board elections.

However, cooperatives could continue to nominate members to be on the ballot, as long as they adequately consult with their membership in the nomination process.

The explicit details of the election process would be developed by the Secretary of Agriculture.

I ask unanimous consent that the full text of the bill be included in the RECORD.

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

S. 224

Be it enacted by the Senate and House of Representatives of the Untied States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Dairy Promotion Reform Act of 1995''.

SEC. 2. DAIRY VOTING REFORM.

Section 113(b) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4504(b)) is amended—

(1) by designating the first and second sentences as paragraphs (1) and (2), respectively;

(2) by designating the third through fifth sentences as paragraph (3);

(3) by designating the sixth sentence as paragraph (4);

(4) by designating the seventh and eighth sentences as paragraph (5);

(5) by designating the ninth sentence as paragraph (6);

(6) in paragraph (1) (as so designated), by striking ''and appointment'';

(7) by striking paragraph (2) (as so designated) and inserting the following new paragraph:

''(2)(A)(i) Subject to clause (ii), members of the Board shall be milk producers nominated in accordance with subparagraph (B) and elected by a vote of producers through a process established by the Secretary.

''(ii) In carrying out clause (i), the Secretary shall not permit an organization certified under section 114 to vote on behalf of the members of the organization.

''(B) Nominations shall be submitted by organizations certified under section 114, or, if the Secretary determines that a substantial number of milk producers are not members of, or the interests of the producers are not represented by, a certified organization, from nominations submitted by the producers in the manner authorized by the Secretary. In submitting nominations, each certified organization shall demonstrate to the satisfaction of the Secretary that the milk

producers who are members of the organization have been fully consulted in the nomination process.'';

(8) in the first sentence of paragraph (3) (as so designated), by striking ''In making such appointments,'' and inserting ''In establishing the process for the election of members of the Board,''; and

(9) in paragraph (4) (as so designated)—

(A) by striking ''appointment'' and inserting ''election''; and

(B) by striking ''appointments'' and inserting ''elections.''●

By Mr. AKAKA:

S. 225. A bill to amend the Federal Power Act to remove the jurisdiction of the Federal Energy Regulatory Commission to license projects on fresh waters in the State of Hawaii; to the Committee on Energy and Natural Resources.

EXEMPTING HAWAII FROM THE HYDROELECTRIC JURISDICTION OF THE FERC

● Mr. AKAKA. Mr. President, for some time now, the State of Hawaii, its delegation in Congress, and conservation organizations throughout the State have been deeply concerned about Federal efforts to regulate hydroelectric power projects on State waters. The question of who should be responsible for hydropower regulation—the State or the Federal Government—is very contentious. It has not been a high-visibility issue, however, because until now, the debate has occurred away from the public view.

Those who care for Hawaii's rivers and streams recognize that continued Federal intervention may have serious repercussions for our freshwater resources and the ecosystems that depend upon them. Whenever a hydroelectric power project is proposed, a number of environmental considerations must be weighed before approval is granted. Important issues must be evaluated, such as whether the proposed dam or diversion will impair the stream's essential flow characteristics, or what effect the hydropower project will have on the physical nature of the stream bed or the chemical make-up of the water. Will a dam or diversion diminish flow rates and reduce the scenic value of one of Hawaii's waterfalls? Will it harm recreational opportunities? These, and other questions, must be answered.

The effect of a new dam or diversion on the State's disappearing wetlands must be weighed. Wetlands provide vital sanctuary for migratory birds, as well as habitat for endangered Hawaiian waterbirds. They serve as reservoirs for storm water, filtering water-borne pollutants before they reach fragile coastal habitat, and providing a recharge area for groundwater.

In Hawaii, historic resources often come into play. When Polynesians first settled our islands, Hawaiian culture was linked to streams as much as it was linked to the sea. The remnants of ancient Hawaiian settlements can be found along many of the State's rivers. Will the Federal Government give adequate attention to stream resources that have unique natural or cultural significance when it issues a hydroelectric license or permit?

Most important of all, hydropower development must be compatible with preserving native aquatic resources. Hawaiian streams support a number of rare native species that depend upon undisturbed habitat. Perhaps the most remarkable of these species is the gobie, which can climb waterfalls and colonize stream sections that are inaccessible to other fish. These are some of the complex factors that must be considered during federal hydropower decision-making.

A number of Federal agencies that have responsibility for fish, wildlife, and natural resource protection have raised questions about the State of Hawaii's commitment to protecting stream resources. They assert that FERC, the Federal Energy Regulatory Commission is better equipped than the state to protect environmental values.

However, the evidence supports precisely the opposite conclusion. FERC has a poor history of protecting aquatic species. And while the Federal hydropower review process requires that FERC consult with other Federal agencies—just as the State does—FERC retains the power to override requests by the State, as well as by Federal agencies, to protect environmental values. The landmark case in this area, California versus FERC, affirmed FERC's authority to reduce instream flow rates below the level that the State determined was the minimum necessary to maintain aquatic wildlife.

Although FERC has never licensed a project in Hawaii, Federal agencies have an unfounded belief that State regulation of hydropower would be a danger to the environment. Nothing could be further from the truth. The State of Hawaii has demonstrated its commitment to protecting stream resources by instituting a new water code, adopting instream flow standards, launching a comprehensive Hawaii stream assessment, and organizing a stream protection and management task force.

Meanwhile, FERC has played no role in stream protection other than to grant a preliminary permit to a hydropower developer on the Hanalei River. This is the same river that the Fish and Wildlife Service is fighting to preserve. From an environmental perspective, FERC is clearly off to a poor start.

The experience with the proposed Hanalei hydropower project raises serious questions about the appropriateness of Federal efforts to regulate hydropower in Hawaii. Our rivers and streams bear no resemblance to the wide, deep, long, and relatively flat rivers of the continental United States. Hawaiian streams generally comprise groups of short riffles, runs, falls, and deep pools. Only 28 of them are 10 miles or longer in length. Only 11 have an average flow greater than 80 cubic feet per second. By comparison, the mean discharge of the Mississippi River is nearly 20,000 times the mean annual flow of the Wailuku River.

The Federal interest in protecting the vast interconnected river systems of North America is misplaced in our isolated mid-Pacific location. When it comes to regulating hydropower in Hawaii, FERC is a fish out of water.

In response to these concern, I am introducing legislation to terminate FERC's jurisdiction over hydropower projects on the fresh waters of the State of Hawaii. This legislation passed Senate during the 103d Congress as part of an omnibus hydropower bill, but the House and Senate could not resolve their differences on the bill. I will continue to fight for the passage of this legislation during the 104th Congress.

I ask that a copy of the bill be printed in the RECORD following my remarks.

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

S. 225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROJECTS ON FRESH WATERS IN THE STATE OF HAWAII.

Section 4(e) of the Federal Power Act is amended by striking ''several States, or upon'' and inserting ''several States (except fresh waters in the State of Hawaii, unless a license would be required by section 23 of the Act), or upon''.●

ADDITIONAL COSPONSORS

S. 4

At the request of Mr. MCCAIN, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 4, a bill to grant the power to the President to reduce budget authority.

S. 45

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 45, a bill to amend the Helium Act to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, and for other purposes.

SENATE RESOLUTION 48—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHAFEE, from the Committee on Environment and Public Works, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 48

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public

Works is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996 through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $2,351,491, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,404,115, of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 49—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON RULES AND ADMINISTRATION:

Mr STEVENS, from the Committee on Rules and Administration, reported the following original resolution; which was placed on calendar:

S. RES. 49

Resolved, That in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Rules and Administration is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,309,439, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,340,234, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $3,500 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 50—ORIGINAL RESOLUTION REPORTED AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. DOMENICI, from the Committee on the Budget, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 50

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion—

(1) to make expenditures from the contingent fund of the Senate,

(2) to employ personnel, and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $3,032,295, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $3,103,181, of which amount—

(1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate,

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate,

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate,

(4) for payments to the Postmaster, United States Senate,

(5) the payment of metered charges on copying equipment provided by the Office of

the Sergeant at Arms and Doorkeeper, United States Senate, or

(6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''.

SENATE RESOLUTION 51—ORIGINAL RESOLUTION REPORTED—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMITTEE ON SMALL BUSINESS

Mr. BOND, from the Committee on Small Business, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 51

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business is authorized from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a) The expenses of the committee for the period March 1, 1995, through February 29, 1996, under this resolution shall not exceed $1,000,980, of which amount (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislation Reorganization Act of 1946, as amended), and (2) not to exceed $5000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislature Reorganization Act of 1946).

(b) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $1,023,582, of which (1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 29, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 29, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

SENATE RESOLUTION 52—ORIGINAL RESOLUTION REPORTED—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. D'AMATO, from the Committee on Banking, Housing, and Urban Affairs, reported the following original resolution; which was referred to the Committee on Rules and Administration:

S. RES. 52

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 1995 through February 28, 1996, and March 1, 1996, through February 28, 1997, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. The expenses of the committee for the period of March 1, 1995, through February 28, 1996, under this resolution shall not exceed $3,738,802 of which amount (1) not to exceed $750,850 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this resolution shall not exceed $2,851,936 of which amount (1) not to exceed $850 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $850 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 1996, and February 28, 1997, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charge on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 1995, through February 28, 1996, and March 1, 1996, through February 28, 1997, to be paid from the Appropriations account for ''Expenses of Inquiries and Investigations.''

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE REFORM ACT

BOXER (AND OTHERS) AMENDMENT NO. 17

(Ordered to lie on the table.)

Mrs. BOXER (for herself, Mrs. MURRAY, Mr. FEINGOLD, Mr. KENNEDY, Mr. CAMPBELL, Mr. SIMON, Mr. LAUTENBERG, Mr. DODD, Mr. BAUCUS, Mr. LEVIN, Mr. LIEBERMAN, Ms. MOSELEY-BRAUN, Mr. HARKIN, Mr. PELL, Mr. INOUYE, and Ms. MIKULSKI) submitted an amendment intended to be proposed by them to the bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations; and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . SENSE OF THE SENATE CONCERNING PROTECTION OF REPRODUCTIVE HEALTH CLINICS.

(a) FINDINGS.—Congress finds that—

(1) there are approximately 900 clinics in the United States providing reproductive health services;

(2) violence directed at persons seeking to provide reproductive health services continues to increase in the United States, as demonstrated by the recent shootings at two reproductive health clinics in Massachusetts and another health care clinic in Virginia;

(3) organizations monitoring clinic violence have recorded over 130 incidents of violence or harassment directed at reproductive health care clinics and their personnel in 1994 such as death threats, stalking, chemical attacks, bombings and arson;

(4) there has been one attempted murder in Florida and four individuals killed at reproductive health care clinics in Florida and Massachusetts in 1994;

(5) the Congress passed and the President signed the Freedom of Access to Clinic Entrances Act of 1994, a law establishing Federal criminal penalties and civil remedies for certain violent, threatening, obstructive and destructive conduct that is intended to injure, intimidate or interfere with persons seeking to obtain or provide reproductive health services;

(6) violence is not a mode of free speech and should not be condoned as a method of expressing an opinion;

(7) persons exercising their constitutional rights and acting completely within the law are entitled to full protection from the Federal Government;

(8) the Freedom of Access to Clinic Entrances Act of 1994 imposes a mandate on the Federal Government to protect individuals seeking to obtain or provide reproductive health services; and

(9) the President has instructed the Attorney General to order—

(A) the United States Attorneys to create task forces of Federal, State and local law enforcement officials and develop plans to address security for reproductive health care clinics located within their jurisdictions; and

(B) the United States Marshals Service to ensure coordination between clinics and Federal, State and local law enforcement officials regarding potential threats of violence.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the United States Attorney General should fully enforce the law and take any further necessary measures to protect persons seeking to provide or obtain, or assist in providing or obtaining, reproductive health services from violent attack.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I previously announced for the public the scheduling of a hearing before the full Committee on Energy and Natural Resources to review the implications of the North Korean nuclear framework agreement.

The time of this hearing was inadvertently omitted from the notice. The hearing will take place at 2 p.m. January 19, 1995, in room SD–366 of the Dirksen Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, January 12, 1995, at 10 a.m., in SR–332, for an organizational business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Thursday, January 12, 1995, at 9:30 a.m. in closed session, to discuss current operations in Bosnia, North Korea, Haiti, and Somalia.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SERVICE AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 12, 1995, at 9:30 a.m. on pending committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on January 12, 1995, at 2 p.m. on oversight of aviation safety.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. LOTT. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to meet Thursday, January 12, 1995, at 10:30 a.m., to consider committee organization, rules, and budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet for a classified briefing during the session of the Senate on Thursday, January 12, 1995, at 4:15 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENT AFFAIRS

Mr. LOTT. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Thursday, January 12, 1995, at 10 a.m. (jointly with the House Committee on Government Reform and Oversight) on the subject of line Item veto.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold an organizational business meeting during the session of the Senate on Thursday, January 12, 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Federal job training programs, during the session of the Senate on Thursday, January 12, 1995 at 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Thursday, January 12, 1995, at 9:30 a.m., to organize and to mark up legislative business. The committee will consider the following: the rules of procedure to the Rules Committee; an original resolution providing for Senate Members on Joint Committee on Printing and the Joint Committee on the Library; an original resolution authorizing biennial expenditures by the Rules Committee; and an original resolution authorizing the printing of the rules of Senate committees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR FRIDAY, JANUARY 13, 1995

Mr. LOTT. Mr. President, I have some unanimous consent requests here, and I would like to advise my colleagues that all of these have been approved by the Democratic leadership.

Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Friday, January 13, 1995; that following the prayer the Journal of proceedings be deemed approved to date and the time for the two leaders be reserved.

I further ask unanimous consent that there then be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak for not more than 5 minutes each, with the following Senators to speak for the designated times: Senator THOMAS for up to 10 minutes, Senators LIEBERMAN and DODD for up to 15 minutes equally divided, and Senator BOXER for up to 15 minutes.

I further ask unanimous consent that at the hour of 10 a.m., the Senate stand in recess until the hour of 11 to allow all Members to attend a briefing.

Finally, I ask unanimous consent that at 11 o'clock a.m., the Senate resume consideration of S. 1, the unfunded mandates bill.

The PRESIDING OFFICER. It there objection? Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY

Mr. LOTT. As in executive session, Mr. President, I ask unanimous consent that the Injunction of Secrecy be removed from the Treaty with the Republic of Korea on mutual legal assistance in criminal matters (Treaty Document No. 104–1), transmitted to the

Senate by the President today; and ask that the treaty be considered as having been read the first time; that it be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Korea on Mutual Legal Assistance in Criminal Matters, signed at Washington on November 23, 1993, with a related exchange of notes signed the same date. Also transmitted for the information of the Senate is the report of the Department of State with respect to this Treaty.

The Treaty is one of a series of modern mutual legal assistance treaties that the United States is negotiating in order to counter criminal activities more effectively. The Treaty should be an effective tool to assist in the prosecution of a wide variety of modern criminals, including members of drug cartels, ''white-collar'' criminals, and terrorists. The Treaty is self-executing.

The Treaty provides for a broad range of cooperation in criminal matters. Mutual assistance available under the treaty includes: (1) taking testimony or statements of persons; (2) providing documents, records, and articles of evidence; (3) serving documents; (4) locating or identifying persons or items; (5) transferring persons in custody for testimony or other purposes; (6) executing requests for searches and seizures; (7) assisting in forfeiture proceedings; and (8) rendering any other form of assistance not prohibited by the laws of the Requested State.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *January 12, 1995.*

CONGRESSIONAL ACCOUNTABILITY ACT

Mr. LOTT. Mr. President, on behalf of Senator GRASSLEY, I ask unanimous consent that the Senate now turn to the consideration of H.R. 1, the House companion bill, and all after the enacting clause be stricken; that the text of S. 2, as amended, be inserted, and that the bill be deemed to have been read a third time and passed and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 1), as amended, was deemed to have been read three times and passed.

(See language of S. 2 as passed January 11, 1995.)

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. Finally, Mr. President, if there is no further business to come before the Senate, and I see no other Senator seeking recognition, I now ask unanimous consent that the Senate stand in recess as previously ordered.

There being no objection, the Senate, at 10:14 p.m., recessed until Friday, January 13, 1995, at 9 a.m.

Daily Digest
Senate

Chamber Action

Routine Proceedings, pages S819–S918

Measures Introduced: 17 bills and 7 resolutions were introduced, as follows: S. 209–225, S.J. Res. 15 and 16, and S. Res. 48–52. **Pages S901–02**

Measures Reported: Reports were made as follows:

Reported on Wednesday, January 11, 1995:

Report to accompany S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations. (S. Rept. No. 104–1) **Pages S782–89**

Reported today:

Report to accompany S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations. (S. Rept. No. 104–2) **Page S901**

S. Res. 48, authorizing expenditures by the Committee on Environment and Public Works.

S. Res. 49, authorizing expenditures by the Committee on Rules and Administration.

S. Res. 50, authorizing expenditures by the Committee on the Budget.

S. Res. 51, authorizing expenditures by the Committee on Small Business.

S. Res. 52, authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs. **Page S901**

Measures Passed:

Congressional Accountability Act: Senate passed H.R. 1, to make certain laws applicable to the legislative branch of the Federal Government, after striking all after the enacting clause and inserting in lieu thereof the text of S. 2, Senate companion measure, as passed by the Senate on Wednesday, January 11. **Page S918**

Unfunded Mandates: Senate began consideration of S. 1, to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local, and tribal governments; to end the imposition, in the absence of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, agreeing to certain committee amendments, with exceptions, and taking action on amendments proposed thereto, as follows: **Pages S828–95**

Rejected:

Committee amendment number 1, beginning on page 10, line 15, to strike the definition of "amount" and modify the term "private sector." (By 53 yeas to 38 nays (Vote No. 16), Senate tabled the amendment.) **Page S883**

Committee amendment number 8, beginning on page 12, line 7, relating to the application of definitions. (By 54 yeas to 35 nays (Vote No. 17), Senate tabled the amendment.) **Page S892**

Senate will resume consideration of the bill on Friday, January 13.

Motion to Request Attendance: During today's proceedings, by 88 yeas to 3 nays (Vote No. 15), Senate agreed to a motion to request the attendance of absent Senators. **Page S883**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Treaty with the Republic of Korea on Mutual Legal Assistance on Criminal Matters (Treaty Doc. No. 104–1).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed. **Pages S917–18**

Nominations Received: Senate received the following nominations:

A routine list in the Air Force.

Communications: **Pages S899–S901**

Statements on Introduced Bills: **Pages S902–14**

Additional Cosponsors: **Page S914**

Amendments Submitted: **Pages S916–17**

Notices of Hearings: **Page S917**

Authority for Committees: **Page S917**

Record Votes: Three record votes were taken today. (Total—17) **Pages S883, S892**

Quorum Calls: One quorum call was taken today. (Total—2) **Page S883**

Recess: Senate convened at 9 a.m., and recessed at 10:14 p.m., until 9 a.m., on Friday, January 13, 1995. (For Senate's program, see the remarks of the Acting Majority Leader in today's RECORD on page S917.)

Committee Meetings

(Committees not listed did not meet)

ORGANIZATIONAL MEETING

Committee on Agriculture, Nutrition, and Forestry: Committee ordered favorably reported an original resolution requesting $1,708,179 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $1,746,459 for operating expenses for the period from March 1, 1996 through February 28, 1997.

Also, committee adopted its rules of procedure for the 104th Congress, and announced the following subcommittee assignments:

Subcommittee on Production and Price Competitiveness: Senators Cochran (Chairman), Warner, Helms, Coverdell, Dole, Pryor, Daschle, Baucus, and Kerrey.

Subcommittee on Marketing, Inspection, and Product Promotion: Senators Helms (Chairman), Dole, Cochran, McConnell, Santorum, Conrad, Pryor, Baucus, and Kerrey.

Subcommittee on Forestry, Conservation, and Rural Revitalization: Senators Craig (Chairman), Coverdell, Warner, Helms, Heflin, Harkin, and Conrad.

Subcommittee on Research, Nutrition, and General Legislation: Senators McConnell (Chairman), Dole, Santorum, Craig, Harkin, Heflin, and Daschle.

U.S. OPERATIONS ABROAD

Committee on Armed Services: Committee met in closed session to receive a briefing on current operations abroad, focusing on the situation in Bosnia, North Korea, Haiti, and Somalia from Walter B. Slocombe, Under Secretary of Defense for Policy; Peter Tarnoff, Under Secretary of State for Political Affairs; and Lt. Gen. Wesley K. Clark, USA, Director for Strategic Plans and Policy (J–5), Lt. Gen. Howell M. Estes III, USAF, Director of Operations (J–3), and Maj. Gen. Patrick M. Hughes, USA, Director for Current Intelligence (J–2), all of the Office of the Joint Chiefs of Staff.

ORGANIZATIONAL MEETING

Committee on Banking, Housing, and Urban Affairs: On Wednesday, January 11, committee ordered favorably reported an original resolution (S. Res. 52), requesting $3,738,802 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $2,851,936 for operating expenses for the period from March 1, 1996 through February 28, 1997.

Also, committee adopted its rules of procedure for the 104th Congress.

COMMITTEE BUDGET

Committee on the Budget: Committee approved for reporting an original resolution (S. Res. 50), requesting $3,032,295 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $3,103,181 for operating expenses for the period from March 1, 1996 through February 28, 1997.

ORGANIZATIONAL MEETING

Committee on Commerce, Science, and Transportation: Committee ordered favorably reported an original resolution requesting $3,369,312 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $3,445,845 for operating expenses for the period from March 1, 1996 through February 28, 1997.

Also, committee adopted its rules of procedure for the 104th Congress, and announced the establishment of the following subcommittees:

Subcommittee on Aviation: Senator McCain (Chairman).

Subcommittee on Communications: Senator Packwood (Chairman).

Subcommittee on Consumer Affairs, Foreign Commerce and Tourism: Senator Gorton (Chairman).

Subcommittee on Oceans and Fisheries: Senator Stevens (Chairman).

Subcommittee on Surface Transportation and Merchant Marine: Senator Lott (Chairman).

Subcommittee on Science, Technology, and Space: Senator Burns (Chairman).

AVIATION SAFETY

Committee on Commerce, Science, and Transportation: Committee held oversight hearings to review Federal aviation safety measures, receiving testimony from Kenneth M. Mead, Director, Transportation Issues, Resources, Community, and Economic Development Division, Matthew Hampton, Management Analyst, Timothy Hannegan, Senior Evaluator, and Steven Calvo, Evaluator, all of the General Accounting Office; David R. Hinson, Administrator, Federal Aviation Administration, Department of Transportation; James E. Hall, Chairman, National Transportation Safety Board; and J. Roger Fleming, Air Transport Association of America, Walter S. Coleman, Regional Airline Association, and J. Randolph Babbitt, Air Line Pilots Association International, all of Washington, D.C.

Hearings were recessed subject to call.

COMMITTEE ORGANIZATION

Committee on Energy and Natural Resources: on Wednesday, January 11, committee announced the establishment of the following subcommittees:

Subcommittee on Energy Production and Regulation: Senators Nickles (Chairman), and Jeffords (Vice Chairman).

Subcommittee on Energy Research and Development: Senators Domenici (Chairman), and Burns (Vice Chairman).

Subcommittee on Forests and Public Land Management: Senators Craig (Chairman), and Kyl (Vice Chairman).

Subcommittee on Parks, Historic Preservation, and Recreation: Senators Thomas (Chairman), and Grams (Vice Chairman).

ORGANIZATIONAL MEETING

Committee on Environment and Public Works: Committee ordered favorably reported an original resolution (S. Res. 48), requesting $2,351,491 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $2,404,115 for operating expenses for the period from March 1, 1996 through February 28, 1997.

Also, committee approved its rules of procedure for the 104th Congress, and announced the establishment of the following subcommittees:

Subcommittee on Transportation and Infrastructure: Senator Warner (Chairman).

Subcommittee on Superfund, Waste Control, and Risk Assessment: Senator Smith (Chairman).

Subcommittee on Clean Air, Wetlands, Private Property and Nuclear Safety: Senator Faircloth (Chairman).

Subcommittee on Drinking Water, Fisheries and Wildlife: Senator Kempthorne (Chairman).

SERBIAN SANCTIONS

Committee on Foreign Relations: Subcommittee on European Affairs met in closed session to receive a briefing on Serbian sanctions from Peter Tarnoff, Under Secretary of State for Political Affairs; Walter B. Slocombe, Under Secretary of Defense for Policy; and Lt. Gen. Wesley K. Clark, USA, Director for Strategic Plans and Policy (J–5), Office of the Joint Chiefs of Staff.

Subcommittee recessed subject to call.

ORGANIZATIONAL MEETING

Committee on the Judiciary: Committee ordered favorably reported an original resolution requesting $4,343,438 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $4,444,627 for operating expenses for the period from March 1, 1996 through February 28, 1997.

Also, committee adopted its rules of procedure for the 104th Congress, and announced the following subcommittee assignments:

Subcommittee on Antitrust, Business Rights, and Competition: Senators Thurmond (Chairman), Hatch, Specter, Simpson, Leahy, Heflin, and Feingold.

Subcommittee on Immigration: Senators Simpson (Chairman), Grassley, Kyl, Specter, Kennedy, Simon, and Feinstein.

Subcommittee on Administrative Oversight and the Courts: Senators Grassley (Chairman), Thurmond, Brown, DeWine, Heflin, Kohl, and Feingold.

Subcommittee on Terrorism, Technology, and Government Information: Senators Specter (Chairman), Thompson, Abraham, Thurmond, Kohl, Leahy, and Feinstein.

Subcommittee on Constitution, Federalism, and Property Rights: Senators Brown (Chairman), Hatch, Kyl, DeWine, Abraham, Simon, Kennedy, and Feingold.

Subcommittee on Youth Violence: Senators Thompson (Chairman), Hatch, Simpson, Biden, and Kohl.

FEDERAL JOB TRAINING PROGRAMS

Committee on Labor and Human Resources: Committee concluded hearings to examine the effectiveness of the Federal employment training system in helping reduce long-term welfare dependence, after receiving testimony from Senator Breaux; Robert B. Reich, Secretary of Labor; Alice M. Rivlin, Director, Office of Management and Budget; Wisconsin Governor Tommy G. Thompson, Madison; Father William T. Cunningham, Focus: HOPE, Detroit, Michigan; James J. Heckman, University of Chicago, Chicago, Illinois; and Robert L. Woodson, National Center for Neighborhood Enterprise, and Anthony P. Carnevale, National Commission for Employment Policy, both of Washington, D.C.

ORGANIZATIONAL MEETING

Committee on Rules and Administration: Committee ordered favorably reported the following measures:

An original resolution (S. Res. 49), requesting $1,309,439 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $1,340,234 for operating expenses for the period from March 1, 1996 through February 28, 1997;

An original resolution designating the following members on the part of the Senate to the Joint Committee on Printing: Senators Stevens (Vice Chairman), Hatfield, Cochran, Ford, and Inouye; and to the Joint Committee on the Library of Congress: Senators Hatfield (Chairman), Stevens, Cochran, Pell, and Moynihan; and

An original resolution authorizing the printing as a Senate document of a compilation of the rules of procedure and other related materials of all Senate committees.

Also, committee adopted its rules of procedure for the 104th Congress.

ORGANIZATIONAL MEETING

Committee on Small Business: On Wednesday, January 11, committee ordered favorably reported an original resolution (S. Res. 51), requesting $1,000,980 for operating expenses for the period from March 1, 1995 through February 29, 1996, and $1,023,582 for operating expenses for the period from March 1, 1996 through February 28, 1997.

House of Representatives

Chamber Action

The House was not in session today. It will meet next at 10 a.m. on Friday, January 13.

Committee Meetings

LABOR, HHS, EDUCATION AND RELATED AGENCIES APPROPRIATIONS

Committee on Appropriations: Subcommittee on Department of Labor, Health and Human Services, Education and Related Agencies met to receive a technical briefing by the Department of Health and Human Services. The subcommittee was briefed by the following officials of the Department of Health and Human Services: Daniel P. Williams, Deputy Assistant Secretary, Budget; June Gibbs Brown, Inspector General; Claire V. Broome, M.D., Deputy Director, Centers for Disease Control and Prevention; and Howard Rolston, Director, Office of Policy and Evaluation, Administration for Children and Families.

The subcommittee also held a hearing on the Secretary of Health and Human Services—Downsizing. Testimony was heard from Donna Shalala, Secretary of Health and Human Services; officials of the GAO; and public witnesses.

COMMITTEE ORGANIZATION

Committee on Banking, and Financial Services: Met for organizational purposes.

OVERSIGHT

Committee on Commerce: Held an oversight hearing on Developments in Municipal Finance Disclosure. Testimony was heard from the following officials of the SEC; Arthur Levitt, Jr., Chairman; Richard Y. Roberts, Commissioner; and public witnesses.

FEDERAL ROLE IN EDUCATION POLICY

Committee on Economic and Educational Opportunities: Held a hearing on the Federal Role in Education Policy. Testimony was heard from Richard W. Riley, Secretary of Education; Tommy Thompson, Governor, State of Wisconsin; and Bret Schundler, Mayor, Jersey City, State of New Jersey.

EVALUATING U.S. FOREIGN POLICY

Committee on International Relations: Held a hearing on Evaluating U.S. Foreign Policy. Testimony was heard from James A. Baker III, former Secretary of State.

UNFUNDED MANDATE REFORM ACT

Committee on Rules: Ordered reported, by a recorded vote of 9 to 4, H.R. 5, Unfunded Mandate Reform Act of 1995.

CONTRACT WITH AMERICA

Committee on Ways and Means: Continued hearings on proposals contained in the Contract With America. Testimony was heard from the following Governors: William F. Weld, Massachusetts; Howard Dean, M.D., Vermont; and George E. Pataki, New York; the following Mayors: Stephen Goldsmith, Indianapolis, State of Indiana; and Edward G. Rendall, Philadelphia, Pennsylvania; Eloise Anderson, Director, Department of Social Services, State of California; and public witnesses.

Hearings continue January 17.

COMMITTEE ORGANIZATION

Committee on Ways and Means: Subcommittee on Oversight met for organizational purposes.

Joint Meetings

LINE ITEM VETO

Joint Hearing: Senate Committee on Governmental Affairs concluded joint hearings with the House Committee on Government Reform and Oversight on H.R. 2, to give the President of the United States line item veto authority over appropriation acts and targeted tax benefits in revenue acts, after receiving testimony from Senators McCain and Coats; Representatives Quinn, Neumann, and Castle; Alice M. Rivlin, Director, Office of Management and Budget; Robert D. Reischauer, Director, Congressional Budget Office; Gilbert S. Merritt, Chief Judge, Sixth Circuit of the United States Court of Appeals (Nashville, Tennessee), on behalf of the Judicial Conference of the United States; Massachusetts Governor William Weld, Boston; and John Winkelmann, Citizens Against Government Waste, David L. Keating, National Taxpayers Union, and Norman J. Ornstein, American Enterprise Institute for Public Policy Research, all of Washington, D.C.

COMMITTEE MEETINGS FOR FRIDAY, JANUARY 13, 1995

Senate

No meetings are scheduled.

House

Committee on Ways and Means, Subcommittee on Human Resources, to hold an organizational meeting, 9:30 a.m., followed by a hearing on H.R. 4, Personal Responsibility Act, 10 a.m., 1100 Longworth.

Next Meeting of the SENATE

9 a.m., Friday, January 13

Senate Chamber

Program for Friday: After the recognition of four Senators for speeches and the transaction of any morning business (not to extend beyond 10 a.m.), Senate will recess to attend a congressional briefing on the current situation in Mexico.

At 11 a.m., Senate will resume consideration of S. 1, Unfunded Mandates.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Friday, January 13

House Chamber

Program for Friday: No legislative business is scheduled.

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