have committee reports—one reason why we have committee reports. I cannot just read the bill and understand it fully. I need to read the committee reports. I need to see what the minority thinks. I always—always look to see what the minority is saying in a committee report because if there are problems with the bill, with a given bill, the minority is likely to raise those problems, give them visibility. So that, by way of explanation, again, is why I have become involved here. I want to hear what my colleagues on this side of the aisle have to say about this bill. I will probably hear a little of that, or some explanation in the conference that is coming up.

But I do not propose to be rushed. I may be run over by the steamroller, but I do not propose to get out of its way or just jump upon it and ride along with it, necessarily, at least. There may be some parts of the Contract With America that I will support. Mr. President, I do not put it on the level however, with the Federal Constitution. I do not put it on a level with the Declaration of Independence. I do not put that document—I have not read it, as I say. I have never read a Democratic platform. Why should I read this Contract With America? I did not have anything to do with it. I am not a part of it. I do not put it on a level with the Federalist Papers. So it does not have all of that aura of holiness about it or reference that I would accord to some other documents.

I say to my friend from Idaho that he is doing what he thinks is right. I assume that he believes in all particulars of the bill. Or he may not. He may not believe in every particular. And the Senate will have its opportunity to work its will on that bill. I fully recognize the need to do something about unfunded mandates. I recognize that need. We have gone down that path too far in many instances.

I just have a little more to say on this particular subject, and then I will talk a little about the matter before the Senate.

But here we all are hot and bothered about passing a constitutional amendment to balance the Federal budget without a hint as to how we will actually bring the budget into balance. Furthermore, there are those in this body who are completely unwilling, as I have said, to share the details of any plan to balance the budget with the people before we pass the amendment. Now I ask Senators. How does that comport with the so-called ''message'' that we just got in the November election? How is this bringing Government back to the people? How is this putting vital decisions back into the hands of the voters of America?

A member of the other body's leadership was quoted in the newspaper last week as admitting that, if the details of getting to a balanced budget by the year 2002 were public, there would be virtually no possibility—no possibility—of passing the amendment. Is it all that bad? In other words, for Heaven's sake, do not tell the people what we are about to do to them. Do not tell them. Keep them in the dark. They want the amendment. Eighty percent said so in that poll. Keep them in the dark. Let us give it to them. They do not need to know what getting to balance entails. They do not need to know that. They do not need to be bothered with that.

If we exempt further tax increases or cuts in Social Security and defense, then what are we left with? In fiscal year 1995, the current fiscal year, Federal expenditures will total slightly more than $1.53 trillion. Excepting Social Security at $334 billion, defense at $270 billion, and of course, interest on the national debt of $235 billion, any cuts required to balance the budget would have to come out of the remaining $692 billion. It has been estimated, with a fiscal year 1995 budget deficit of $175 billion, those cuts would have to total 25.4 percent across the board on that $692 billion. And in fiscal year 2002, using the same assumptions, those cuts would have to equal 28 percent in order to eliminate a projected deficit of $322 billion.

Not discussing the options with the American people is like a suitor telling his prospective bride, ''Marry me and I will make you happy.'' But when she asks what he has in mind, he simply answers, ''Trust me, baby. You don't need to know the details. Trust me baby, you don't need to know the details.'' Talk about a pig in a poke; that is a hog in a rucksack.

This is big, arrogant Government going completely hog wild. This is us big guys, we big guys in Washington, saying to the American public, ''We refuse to give you any idea of how we are going to enact over $1 trillion of spending cuts and tax increases over the next 7 years.'' Note carefully that the 7-year period puts many of us in this body safely through the next election, by the way. It puts us safely through the next election. If this constitutional amendment is going to be sent out to the people, why do we not amend it; instead of having 7 years, make it 5. Make it 5 years. That is not customary. But there is no reason why it cannot be done. Make it 5 years so that the chickens will come to hatch during the terms of those of us who are here now who were elected in the past election, and they will certainly come to hatch during the terms of those who will be running next year, those who will be reelected or those who will be elected. It does not have to be a 7-year period. Make it a 5-year period. The 7 years puts us all safely through the next election.

Any plan to do that kind of violence to the Federal budget and to the national economy simply must be shared with the American people before we take an action that mandates that the violence be done. Let us not be a party to trying to pull the wool over the eyes of the people who sent us here. We do not allow it in other matters. We do not expect anyone to buy a used car without knowing whether or not that car has defects. We do not expect anyone to buy a house without knowing if the roof leaks. We could not allow anyone to take out a mortgage on that house without requiring the lending agency to fully disclose the terms of the loan. Mr. President, we have truth-in-advertising statutes in this country. We have truth-in-lending requirements. Why, then, should the American people be expected to accept the constitutional balanced budget amendment that would lock this Government into a rigid and unforgiving economic straitjacket without knowing precisely what that means?

Mr. President, in August 1993, the Congress passed a reconciliation bill that accomplished well in excess of $450 billion of deficit reduction, certainly well in excess of $400 billion. Every single dollar of spending cuts and every single dollar of revenue increases were laid out in plain language for Members and the American public to see. Obviously, those cuts were difficult to vote for. The revenue increases were difficult to vote for. But that package is something that needed to be enacted then, and it is something that needs to be enacted now.

Most importantly, Mr. President, that deficit reduction was passed without a balanced budget amendment in the Constitution.

Mr. President, if those who have signed on to the Contract With America are so sure that they have the necessary 67 votes to pass the balanced budget constitutional amendment, then they should lay down a plan that will actually balance the budget. If they have 67 votes to pass the constitutional amendment on a balanced budget in both Houses, they should not have any concern that their budget plan would not pass. After all, a budget resolution requires only 51 votes, only a simple majority—16 votes less than would be required for a constitutional amendment, if all Members were present and voting.

So why not accomplish through a statute a plan which can begin to take effect immediately, instead of waiting for the year 2002? If they can produce 67 votes for a constitutional amendment, they can produce 51 votes to pass the tough legislation required to achieve that balanced budget. Why do they not do it?

Let us not undermine the Constitution of the United States and the people's faith in that Constitution by putting off the bitter medicine that will surely come if a constitutional amendment to balance the budget passes in the House and Senate and is ratified at the State level. There will have to be some tough, tough decisions. Well, why not make those tough decisions now? We do not need a constitutional amendment, if there are 67 votes in this body now. And if two-thirds of the 435 Members of the other body can

produce the votes for a constitutional amendment now, or next week, or the week after, or next month, why go through all these motions and why go to all that extent to fool the American people and to perpetrate on the American people a hoax? If they have the 67 votes, let them bring forward their budget plan now; let us adopt it. Sixty-seven votes can pass any budget plan in this Senate.

If we are going to go down this road, we need to begin to take the first steps now. Waiting will only make the tough decisions tougher for the proponents. I say let them showdown now if they are really serious and they have the votes.

So let us involve the American people. Let us hear their voices. Let us have them weigh in on this most critical of decisions. Let us heed their wisdom, once they fully understand the ramifications of such a massive endeavor. Let us not literally thumb our noses at the very public who just put us into office and who also put us on notice they were tired of our arrogance, with this most arrogant and disingenuous of acts—a constitutional amendment on a balanced budget.

I favor a balanced budget as much as anybody favors it. There are those who say, ''Well, the American families out there have to balance their budgets, why should we not?'' That is a bit disingenuous, also. Not many families, relatively speaking, really balance their budgets. I have been married 57 years, going on 58 years, and it was only yesterday that I came across an old contract that I kept—not the Contract With America but the contract with Kopper Stores. I was a meat cutter. I worked at Kopper Stores. I married on May 29, 1937. And on May 25, 1937, I entered into a contract with the store at which I worked for some bedroom furniture, a bedroom suite—four or five pieces, I believe it was. I will bring up the contract one day and speak of it again briefly. But in that contract I was to pay $5 down on a new bedroom suite, and I was to pay $7.50 every 2 weeks, either in cash or in script; $5 down, $7.50 every 2 weeks. That was to continue until I had paid the entire amount of $189.50 for that bedroom suite.

Now, did I balance my budget? I had to go into debt. I was in debt. I had to go into debt to buy a bedroom suite. Most people in this country have to go into debt to buy a car, to buy a bedroom suite, to buy a living room suite, to buy a house. So, if the American families who are watching via that electronic eye there will stop and think, they will agree with me. We do not really balance our budgets, do we? ''Now, those politicians up there are saying that the American people balance their budgets. Why don't we balance the Federal budget?''

Well, I will go into that more at a later time.

But I have had a hard time at times in my life making ends meet, even with borrowing money.

So we are in debt. The American people have to go into debt. They do not all balance their budgets and end up at the end of the year, scot-free, slate-clean, not owing a penny.

The public trust is low, but it will surely sink lower if we go down to this unworthy path of insisting on a constitutional amendment on a balanced budget without laying out the roadmap, without laying out the plan.

If we have the 67 votes to pass a constitutional amendment, then we have the votes to pass the bitter pills of cutting programs or raising taxes. And we can begin to do that now.

Now, Mr. President, I want to give my attention to the committee report on the budget.

Mr. GLENN. Would the Senator yield for a comment?

OBJECTION TO THE JUDICIARY COMMITTEE MEETING

Mr. BYRD. Mr. President I object to any further committee meetings today. It is 13 minutes after 11 o'clock.

Mr. President, I amend my objection to make it apply only to the Senate Judiciary Committee.

The PRESIDING OFFICER. The RECORD will so note.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BYRD. Mr. President, the distinguished Senator from Ohio [Mr. GLENN] has asked me to yield for a question. I would be glad to.

Mr. GLENN. Mr. President, I just want to comment briefly.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield for that purpose and retain my rights to the floor.

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

Mr. GLENN. I thank my distinguished colleague and I thank the Chair.

I just wanted to comment briefly on his comments on the balanced budget amendment before he moves on to his comments on the consideration of S. 1.

I share his concerns in this area about whatever we do with regard to voting on the balanced budget amendment when this comes before us here in the Senate. We have to know what we are voting on and what we are doing, or the forcing action that we are taking and the impact that it is going to have on many, many programs that I think people have not yet really come to grips with.

We talk about this Contract With America as though it is something sacrosanct here. I think each one us here—I have a contract with the people of Ohio and I, in turn, as a U.S. Senator, have a contract with the people of this country myself, a contract with the people of the United States I take very, very seriously.

And I think that we have to know what impact that is going to have on the people out there in our respective States and across the country. We do not know that now.

To just vote, as my distinguished colleague said, on a pig in a poke here without knowing what is going to happen—I would say, as far as the Contract With America, we have been down that track of voting on something without knowing what was going to happen before, and we are $3 trillion additional in debt now to prove that it did not work before. And if we did not know how to make it work before, how are we going to make it work again?

We trusted the Reagan administration. Many of us here voted for that, voted for the tax decrease of 25 percent over a 3-year period, with the idea that if it did not work, if all the new, higher level of economic activity did not occur as was predicted at that time, then we would be able to come back to the Senate floor and we would be able to address that and say, ''OK, so it didn't work the way it was advertised. We are going to correct it.''

The problem is, we have never been able to get the votes to correct it. So here we are some additional $3 trillion in debt right now, not knowing which way to turn.

Let me say this on a little bigger worldwide scale. Prime Minister Thatcher had the same problem. She wanted to reduce the size of their Government at the same time President Reagan wanted to reduce the size here. What happened is, she went about reducing the programs first and then said we will have the tax reduction. It is just the opposite here.

The proposal of President Reagan was, we will reduce the taxes and that will force us into other action which never occurred. So now we are being asked once again to take this on faith and we will be able to work this thing out.

I would say to my constituents in Ohio and indeed all across the country, I think we do have to have the definition of this, as my distinguished colleague from West Virginia says.

Can anybody say that Social Security, Medicare, Medicaid, those big items in the budget—that takes up over half of the Federal budget right there. Then when you add the interest on the national debt and defense, we are up to almost two-thirds or 60 percent. So where are the cuts going to occur?

If we say those things that everybody is concerned about across the country are off limits, then where do the limits apply? What do we take in to consideration then?

Well, is it educational funds to the States? Is it higher education funds that we administer mainly out of the Federal Government but through the States? Are we going to cut the FAA, their consideration of flying safety in this country? Are we going to consider highways for cuts? That is 90 percent of

the Federal funding that goes to highways and only a 10 percent match. Do the people of this country want us to cut health funds for the Centers for Disease Control that is working so hard to try to get a solution to the AIDS problem? Are we going to cut the Food and Drug Administration that is looking at things that might create another thalidomide crisis in this country? All of these things are going to have to be cut if we pass a balanced budget amendment.

I have not positively said that I am going to vote against it here. I am still considering that. So I would say we are just buying a pig in a poke when Social Security is off base, when Medicaid is off base, when Medicare is off base, and when interest on the national debt is off base.

So it just does not work. I would say to the people in Ohio in particular that are on Social Security: Watch out. I think they are going to have to get into that, if we vote a balanced budget amendment, on Medicare. They are going to have to get into limiting Medicare in one way or another, and Medicaid. We cannot say do not pay the interest on the national debt.

And I would say the reason this ties into our debate here on the floor today on unfunded mandates is I think the estimate is we put out about $230 billion per year to the States for various programs. I believe the figure is that about $70 billion of that is in discretionary funding, the remainder in entitlements, mainly in the Medicaid Program.

Now, it seems to me, if we pass a balanced budget amendment without knowing in advance what the plans are for where the cuts are going do come from with this unfunded mandates legislation, of which I am a cosponsor, coauthor of here, I do not see how we avoid getting into those payments to the States right now if we vote ourselves a guillotine balanced budget amendment. And that is that. Then we will have to look to cutting down these entitlements and the $230 billion per year that goes to the States right now. Can we afford to continue that kind of funding if we have a balanced budget amendment and cannot cut Social Security, Medicare, Medicaid, and interest on the national debt and defense? I would submit that it will be very, very difficult to do that.

So I think in fairness, to make sure that some of the other programs are not cut, I think we have to look at the balanced budget amendment very, very carefully.

I think people will start asking their own questions, once they look at these things, as to how it will affect them. If we are going to have to balance the Federal budget at least in part by cutting out what we send to the States right now, then it undercuts what we are trying to do with this unfunded mandates bill. I do not want to do that.

I am trying to treat the States fairly, as is my distinguished colleague from Idaho, who pushed this bill for the last couple of years, brought it out of committee last fall, and could not get it through on the floor. I am a supporter, absolutely and unequivocally, of the unfunded mandates bill. I know there are some questions. We have some amendments to correct some of those. Senator LEVIN wants to address this sometime today. And there are others concerned. The Senator from Nebraska has some concerns. I see him here. I have some concerns.

I have a couple of amendments that I think will take out some of the doubts about how this would be administered. I am very concerned, along with my colleague from West Virginia, about the balanced budget amendment. I think it does tie over into unfunded mandates, because I think once we enact a balanced budget amendment, the States will have to look very carefully at what goes to the States right now. They are being too hard pressed now. I think there is a tie in that direction.

I wanted to make those comments, and I appreciate the Senator from West Virginia yielding to me for that purpose, to raise some of the same questions he has raised. I hope we can get on with S. 1 sometime this afternoon or sometime today so we can deal with the number of amendments we have. I hope we can get done with it this week. That means we will have to move expeditiously or we will not be able to bring up all the amendments this week.

Some of the amendments that are proposed are real busters, I guess I would call them. Some of them are not germane, necessarily, to this bill and deal with other matters that are of very major import. Some on the other side of the aisle and some on our side of the aisle will require considerable debate. Some over there, for instance, go back and say that we have to take up all past mandates, not make it prospective but go back. That would cost trillions of dollars. I do not know whether these amendments are talking amendments, talk a little bit and are not serious, but when you have things like that, it will require some time on this bill.

It all comes back, though, to whether we are dealing fairly with the States. I think this bill, even in its present form without amending, goes a long, long way toward addressing some of the sins of the Federal Government, if we want to put it that way, of the past 50 or 60 years.

There were good reasons why a lot of these provisions or a lot of the social services—a lot of reasons why some of those things moved to the Federal levels. Because the States back in those days, back in the days of the Great Depression, either could not or would not move to address some of the concerns when many of our people were bordering on starvation. Roosevelt came in with a package, the New Deal, that moved a lot of these responsibilities out of the community and away from the States, because communities and localities and States were not able to address those programs at that time. So these things moved to the Federal level.

Well, have some of them grown too far? I am the first to say they certainly have. Are the States now willing to pick up all these responsibilities that 50 or 60 years ago they were not able or could not pick up? We have to be careful with that and monitor what is going on to make certain that, as we move this unfunded mandates legislation through, we do not see a lot of people fall in the cracks, that we are depending on the Federal programs, excessive though they may have been. We just want to make sure that we monitor this very, very carefully.

I am all for the unfunded mandates bill. I hope we can work out all these details that people have concerns about.

Tying that back to the balanced budget amendment, once again, if we pass the balanced budget, it seems to me, there will be big pressure on the Federal Government to reduce what we send to the States now, which is about $230 billion a year.

Mr. President, I appreciate my colleague yielding for those remarks. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator from Ohio, [Mr. GLENN].

Today's Washington Post has an editorial titled, ''More On the Mandates Issue.'' It reads in part:

> The mandates bill could well be the first major building block of the Republican congressional agenda to pass. . . . The Republicans look upon it in part as the key to achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from Federal mandates is meant to assuage them.
>
> In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. . . . Not all unfunded mandates are unjustified, nor are state and local governments, which receive a quarter trillion dollars a year in Federal aid, always the victims they portray themselves to be in the Federal relationship.

Mr. President, I ask unanimous consent that the entire editorial from the Washington Post be printed in the RECORD.

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

MORE ON THE MANDATES ISSUE

House Republicans partly disarmed the critics of their unfunded mandates bill by keeping a promise and quietly fixing one defect last week in committee. They should fix another when the bill comes to the floor, perhaps this week.

The mandates bill could well be the first major building block of the Republican congressional agenda to pass. The Senate's version is on the floor as well, and the president has said while avoiding details that he too favors such a measure. The Republicans look upon it in part as the key to achieving other goals such as a balanced budget amendment to the Constitution and perhaps welfare reform. Governors and other state and local officials are fearful of being stranded by the spending cuts implicit in both of these and conceivably could block them. The promise that at the same time they will get relief from federal mandates is meant to assuage them.

In fact, the legislation doesn't ban unfunded mandates as so much of surrounding rhetoric on both sides would suggest. It would merely create a parliamentary presumption against them and require explicit majority votes in both houses to impose them. That's the right approach. Though there is a genuine problem that needs fixing here, not all unfunded mandates are unjustified, nor are state and local governments, which receive a quarter trillion dollars a year in federal aid, always the victims they portray themselves to be in the federal relationship. What would happen is simply that future bills imposing mandates without the funds to carry them out would be subject to a point of order. A member could raise the point of order, another would move to waive it and there would be a vote. That works in the Senate. The problem in the House was that the rules would not have allowed a waiver motion. A single member, raising a point of order that the chair would have been obliged to sustain, would have been enough to kill a bill. The Rules Committee found a way around that rock last week. The bill now provides expressly for the majority votes that the sponsors say are its main point.

The other problem involves judicial review. The Senate bill would rightly bar appeals to the courts by state and local officials or others on grounds the terms of the bill had been ignored, the theory being that is mainly an internal matter—Congress agreeing to change its own future behavior—and a political accommodation of the sort that courts should have no role in. The House bill contains no similar ban, in part because a section would require the executive branch to do certain studies before issuing regulations and the sponsors, or some of them, want that to be judicially enforceable. But Congress has power enough to enforce these requirements itself; it needn't turn to the courts. The Republicans rightly say in other contexts that there is already too much resort to the courts in this country. They ought to stick to that position. In fact, because the House bill is silent on the matter, it isn't clear whether it would permit resort to the courts or not. The House should say not.

Mr. BYRD. Mr. President, the fact is that States receive massive amounts of Federal funds. In fact, we provide so much money to the States that it takes a separate 373-page report—right here it is, a separate 373-page report—from the Office of Management and Budget to list all the grants, talking about grants which we provide to States.

On page 1 of this report entitled ''Budget Information for States Fiscal Year 1995,'' there is a table that provides a State-by-State listing of the total Federal dollars going out in fiscal year 1995. The total for all States is $208,910,820.

Does anyone really believe that if we try to balance the budget without cutting defense or social security and without raising taxes that these State grants will not be cut? West Virginia, estimated for fiscal year 1995 is shown on the list as receiving 0.85 percent of the total for the United States, $1,765,000. The fiscal year 1993 total to the States was $177,984,295.

So all the States are listed with indications of the States' shares as a percentage of the total. If one excludes interest on the debt, that would be over $200 billion, and if we exclude defense, which is over $270 billion, and if we exclude Social Security, which is $334 billion, where can we find the cuts? We will have to cut State grants dramatically, and this unfunded mandates bill will not stop these massive cuts that will come as we proceed to balance the budget over the next 7 years.

So you Governors out there beyond the beltway, you State legislators out there beyond the beltway, hear this: Friends, Romans, countrymen, if we pass a balanced budget amendment and even if the Congress passes the bill that is now pending before the Senate, which it will pass, do not think you are getting off scot-free out there in the States. You are still going to have to give a pound of flesh. It is still going to come out of your hide. We will have to cut State grants that are not mandates dramatically—dramatically—and this bill will not stop these massive cuts as we proceed to balance the budget over the next 7 years.

Unfunded mandates are not a new thing. Indeed, one might easily argue that unfunded mandates are as old as law itself. When the Lord told Israel that on the seventh day thou shalt not do any work, he was imposing an unfunded mandate on the 12 tribes. The tribes may have perceived a short-run loss in productivity, and that may have been only partly made up for by God's provision of manna and quails, but surely the benefits of keeping the Sabbath far outweigh the mere economic costs of doing so.

That can also be said about a number of other mandates. We can learn a lot by going back to that old book that our fathers and mothers read. We think that our constitutional forebears came up with something new when they and the Members of the first Congress set up the Federal court system. That legislation was initiated in the United States Senate in the very first Congress.

But those Senators and House Members were not coming up with something that was entirely new. One needs only to read the 18th chapter of Exodus to understand that there was a court system established by Moses hundreds and hundreds and hundreds of years ago that was, in many ways, somewhat like our own Federal court system.

Moses was hearing all of the people's cases himself. It is a little like Lucius Tarquinius Superbus, who was the seventh and last king of Rome, who heard capital cases himself. He did not take the advice of the Senate at that time.

But Moses was hearing all of these cases himself, and the people stood in long lines waiting to adjudicate their grievances. Jethro, the father-in-law of Moses, came to see Moses and saw all of what was happening and saw that the people were waiting and Moses was being required to take an inordinate amount of time to deal with these cases.

Jethro suggested to Moses that he should break down this work, divide it, have a division of the work and that he should appoint rulers or judges over tens, rulers over fifties, rulers over hundreds, and rulers over thousands, and let those rulers over the various categories judge the people and that Moses confine himself only to the hard causes—not the minor matters—or to those cases that were appealed up to him.

And Moses took Jethro's advice, and instead of deciding every small matter himself and keeping the people waiting, there would be a division and speeding up of the work. Justice delayed is justice denied. Moses established this plan that Jethro, his father-in-law, had suggested. Moses appointed judges to deal with tens of people, those who would deal with fifties, those who would deal with hundreds, those who would deal with thousands, and he himself, Moses, would take the major matters or those that were appealed.

And so we have somewhat the same system. We have the Federal district courts, and we have the Federal appeals courts. We have the Supreme Court. We also have municipal judges, county judges, district judges, State supreme court judges.

There are Federal district judges in West Virginia. We used to have one in the north and one in the south and we had what they called a roving judge or rotating judge. So you have district judges and then we have the appeals court level and then we have the United States Supreme Court.

We can learn a lot by going back into history and seeing how the Israelites did things.

The Federal Government's wage and hour restrictions on State and local governmental units can trace their lineage to the Lord's admonition to observe a weekly day of rest. But the Federal Government does not compensate Federal, State, and local governments for imposing those rules. We can probably all agree that some unfunded mandates yield more in benefits to society than their simple economic costs would reflect.

Mr. President, over the weekend I looked at the committee reports, studied them carefully. This is what the committee report from the Committee on the Budget has to say with respect to the additional views of Senator JIM EXON. Here is what Senator EXON says. In the first paragraph he speaks of his

support for S. 1, which is before the Senate. But then he says:

Although I am an ardent supporter of this legislation I feel compelled to criticize the procedure under which it was taken up.

The Senate Budget Committee met on January 9th to mark up this legislation. We adopted 8 amendments in the committee. At the end of the markup, I asked Chairman Domenici whether we would be filing a report on this important measure. Senator Domenici answered that the Republican leader had asked that the committee not file a report, so as to expedite the Senate's consideration of the bill by Wednesday morning, January 11th. Several members on our side of the table objected to this procedure.

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 of 12–9. The following evening, January 10th, the majority asked us whether they could file a report on the following night, on the condition that there be no objection to shortening the normal 3 day period for the submission of minority views. Two Senators objected to that request. They wanted the full 3 days to do their minority views and review the report. The majority then filed a statement in the record in lieu of the report.

''This morning''—this was the morning of January 12th, which would have been Thursday of last week.

This morning, January 12th, the majority extended us the opportunity to review the proposed report and add minority views until January the 17th. [That is today.] Yet, this afternoon [meaning the afternoon of January 12th] on the Senate floor they announced that they intended to file the report immediately. While the majority may have been prepared to file its report, the members of the committee in the minority did not have a straight story on when their views were due.

This is Senator EXON.

The members of the committee in the minority did not have a straight story on when their views were due.

For this reason, I objected to the unanimous consent agreement requested on the Senate floor because I was not sure that all the minority members had the opportunity to submit their views and I was concerned that members might still be working on their minority views. I believe that it is extremely important that anything purporting to be a report on this bill include such minority views.

Unfortunately despite my objects, I have been informed that the report will be filed at 6 PM tonight, January 12th.

This is the ranking minority member of that committee who is speaking and who is writing, Senator EXON of Nebraska.

''I was concerned,'' Senator EXON stated, ''that members might still be working on their minority views. I believe that it is extremely important that anything purporting to be a report on this bill include such minority views.'' Unfortunately, he said he had been informed that the report would be filed at 6 p.m. on the evening—p.m. on January 12. Continuing:

And so we have discovered a means to evade both the Committee's requirement of 3 days for the preparation of minority views and the Senate Rules requirement for a report to be available for 48 hours before proceeding to a bill. You simply say that you are not going to file a report. Then you proceed to the bill, as early as the next day. Then you file a report. This procedure evades both the Committee and Senate rules——

Why all this hurry? Why all the rush? It is the 17th day of January. We have 11 months and 14 days to go yet in this year. Why all this rush?

Senator EXON says, again:

This procedure evades both the Committee and Senate rules, but apparently cannot be enforced in either forum.

Have they gained anything? Has any time been gained by this thumbing of the nose at the committee rules and at the Senate rules? Has anything been gained? Senator EXON continues, ''I find this practice very troubling and am extremely concerned about the precedent that it sets.''

He continues. This time he speaks of the sunset provision.

Last year's version of the Unfunded Mandates Bill, S. 993 contained a sunset date. It was my understanding, and also that of many of the negotiators who hammered out this bi-partisan compromise, that we would have a sunset date. It is unclear why the provision was not included in the bill introduced to the Senate. Despite former assurances that a sunset provision would be included in the legislation or added during markup, a sunset provision was voted down 3 times during the Budget Committee markup in a straight 12–9 party line vote.

I believe a sunset provision is crucial to the success of this bill. A sunset provision will help—not hurt—this important piece of legislation. Sunset provisions are a common sight on the legislative landscape. For example, the revenues used to fund to the superfund program sunset this year. We have sunset provisions in everything from the crime bill to school to work to the 1990 farm bill.

We are dealing with an entirely new concept. It is untried and untested. This bill needs a trial period so that any problems and bugs can be worked out. The Congressional budget office has expressed concern over the analyses that are required in the bill. In testimony before the Senate Committee on Governmental Affairs, Director Reischauer gave a candid assessment of the difficulty in completing these analyses on a timely basis, not to mention, culling reliable information for them.

A sunset provision in 1998 would allow Congress to pause and examine the job that CBO has performed to date. We could then fine tune and if necessary retool the process to make this bill even more effective.

A sunset provision is not going to kill the unfunded mandates program. The bill's time has come and there is no reason to believe that the bill would be scrapped four years from now. Currently the legislation has 57 co-sponsors. If the legislation lives up to its expectations, there should be no problem marshalling the same support in 1998.

Lastly, the unfunded mandates bill does not operate in a vacuum. It must be viewed in the context of the budget act. The caps and other major provisions in the Budget Act—including the supermajority points of order—expire in 1998. Since we will have to revisit the entire Budget Act in 1998, it makes sense to be consistent and provide for a 1998 sunset provision in this piece of legislation as well.

Mr. President, may I without losing my right to the floor inquire of the managers as to whether or not they anticipate an amendment to be offered that will provide a sunset provision and, if so, if they feel that there is a reasonable chance of its being accepted.

Mr. GLENN. Mr. President, I would be glad to respond.

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

Mr. GLENN. I believe Senator LEVIN brought that up in committee and has talked about putting an amendment in to that effect. And I think that is what we addressed.

I favor a sunset because I think this is really landmark legislation. I think it is the first real piece of legislation that readdresses the relationship between the State, local, and Federal governments. As such I think the impact of this is going to be enormous. I do not disagree with making certain that we take another look at this because, if it is working well, we can reauthorize it at that time. If it is not working well, we can either make appropriate changes, or we can do away with it, if it is just fouling things up and having unintended effects. I do not think that is going to be the case.

I have supported Senator LEVIN. I do not want to speak for him. It is my impression that at the appropriate time he will present a 3-year sunset provision.

Mr. BYRD. Mr. President, I thank the distinguished Senator.

Does the Senator from Idaho wish me to yield under the same understanding?

Mr. KEMPTHORNE. Yes. I appreciate that.

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

Mr. KEMPTHORNE. With regard to the sunset provision, yes. I think we fully anticipate that there will be an amendment offered. I do not know how many years will be offered. I know that in the Budget Committee an amendment was offered for 3 years, and I believe also for 5 years and also for 7 years. All of those were rejected by majority vote.

I will tell the Senator from West Virginia that I resist a sunset provision. To me this is going back to the fundamentals of what the Founding Fathers intended; that is, that we have this sort of partnership in the federalism program between the States, localities, and the Federal Government.

If there is a problem with Senate bill 1, once it is implemented and it is clearly identified that there is a problem, I would not contend to wait 3 years. There is nothing to preclude us from going in and, if there is need for modification, make any modification as necessary.

But I am reluctant to say that after we have worked so hard, and the Senator from West Virginia has referenced the rush and the 100 days measured that has been put on this. I would just say that this bill in getting to this point has taken 600 days in the making because much of the core of Senate bill 1 comes from Senate bill 993 of the last session.

So again, I resist the idea that we are just going to get it implemented and in 3 years it will sunset. If there are problems with it, I would like to see us modify them. There is nothing to preclude that from happening.

Mr. BYRD. Were there not sunset provisions in the legislation last year?

Mr. KEMPTHORNE. The Senator from West Virginia is correct. I can tell him that is something that—and I will defer to the Senator from Ohio who was chairman of the Governmental Affairs Committee at that time when that provision was included. Again, I was not a strong proponent of it being placed in that. But that was not my decision at the time.

Mr. BYRD. Mr. President, I thank both Senators.

I personally favor a sunset provision in this legislation. We are reading and hearing a great deal about welfare reform. I think that if we had had a sunset provision in the laws regulating and governing welfare in this country we would have had sunset provisions. A great many of the perceived flaws in the legislation would have been corrected.

Mr. CONRAD. Mr. President, will the Senator yield on that point for a question?

Mr. BYRD. Yes, without losing my right to the floor. I do not intend to hold the floor much longer.

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

Mr. CONRAD. Mr. President, I wanted to inquire of the Senator if he had perhaps seen the testimony of the Governor of Michigan in the House of Representatives last week. I saw it replayed this weekend.

As we start out the discussion of the proper relationship between the Federal Government and the States, his testimony in the House is very important. He told the House of Representatives that the role that he saw for the Federal Government was just to send the money. He said, you in the Federal Government, you just send the money back and we will decide how it is spent at the State level. I must say I was very troubled when I saw this notion of what the Federal-State relationship is supposed to be. I was very troubled by the Governor of Michigan, who was on the committee determining the welfare reform policy for the party on the other side of the aisle, suggesting that the role ought to be that the Federal Government levies the taxes, raises the money, and has nothing to say about how the money is spent. Now, if that is not a perverse notion of Federal-State relations, I do not know what is. I told my staff this morning, ''in his dreams,'' as far as this Senator is concerned.

My own notion is that there should never be a separation between the responsibility for raising the money and the responsibility for spending the money. That ought to be a fundamental principle that we adhere to in this Chamber. And I believe that because, if we raise the money and the States decide how to spend it, it is free money for the States. They did not have to go through the political risk of levying the taxes to raise the money. They just eat the dessert. They just spend money. Oh, no. That is not going to be the relationship, at least if this Senator has anything to say about it. I must say that I thought it was arrogant in the extreme for a Governor to say all we ought to do is write the checks. We raise the money, levy the taxes, and then send them the money and they will decide how to spend it.

I was going to ask the distinguished Senator from West Virginia his reaction to this notion that we raise the money, and then have no say in how it is spent. We just send it back to the States and they will decide how to divvy it up. I am very interested in the Senator from West Virginia's reaction to that notion.

Mr. BYRD. I reacted the same way that the distinguished Senator from North Dakota reacted. It is arrogance. It is a new ''Caesarism.'' It is the same arrogance that is displayed by those who beat the drums for a constitutional amendment on the balanced budget without at the same time being willing to lay out the plan to let the American people know what is in the offing, what is the price to be paid for this approach. How would the taxes be cut? What taxes will be cut? How much will they be cut? What cuts will there be in programs? What programs will be exempted? What programs will not be exempted? And it is an arrogance that is being manifested within this institution, the Congress of the United States, when it says you folks up there just pass a constitutional amendment to balance the budget, and do not tell us what it entails; do not tell the people in the legislatures what action we are going to have to take to continue programs from which we are presently receiving grants in our States, and so on. Do not tell us that. We do not want to know that.

So the big folks up there in Washington—us big folk—we know it all. That Governor is saying: You fellows just send the money down to the States with no strings attached. That is the same thing on both subjects. Just pass a constitutional amendment and let the American people find out, in due time, where the pain is.

(Mr. SMITH assumed the chair.)

Mr. CONRAD. Will the Senator yield on that point?

Mr. BYRD. With the same understanding, Mr. President.

Mr. CONRAD. I am asking a question. First of all, with respect to what the Governor from Michigan was saying, I would say to him, look, if the Federal Government raises the money, the Federal Government is going to have something to say about how the money is spent. If the Governors want to make all the decisions on how the money is to be spent, then they raise the money. That is an appropriate State-Federal relationship. It is ridiculous and extreme to say that the Federal Government should levy the taxes and raise the money but the States will decide how it is spent.

I will follow up with a question on the matter of a plan to balance the budget. Last week, I came down to the floor and gave a speech on something I have detected that I call the Republican credibility gap. It is more than a gap now. It is a chasm. In fact, it is approaching Grand Canyon size. This chart shows what would need to be done to balance the budget over the next 7 years. According to the Congressional Budget Office, we would need over $1 trillion in cuts over the next 7 years. That is if we did nothing to make the problem worse before we started.

Mr. BYRD. Mr. President, I ask unanimous consent that I may yield to the Senator briefly—I only want to hold the floor for a few more minutes—without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. CONRAD. I am interested in the Senator's reaction to the credibility gap I have detected. This chart shows we need $1 trillion over the next 7 years if we do not do anything to make the situation worse before we start to solve the problem. But look what happens with our Republican friends' plan. The first thing they do is propose $364 billion of tax cuts, not spending cuts, but $364 billion of tax cuts. This is according to the Treasury Department. So now the $1 trillion problem over the next 7 years is nearly $1.4 trillion.

The next thing they do is say, well, we want to cut spending someplace. We do not want to be too clear on exactly where we are going to cut spending, but before we start cutting spending, we want to increase spending. We want to increase spending on defense by $82 billion. So now the problem that started out as a $1 trillion problem has turned out to be a $1.48 trillion problem. That is the amount that would have to be cut in order to balance the budget over the next 7 years. We start with $1 trillion, and we add their $364 billion in proposed tax cuts, according to the Treasury Department, then we add the $82 billion of increased defense spending, and the problem now is $1.481 trillion. That is a big number. That is not a million; that is not a billion; that is a trillion.

The interesting thing is to look at what they have come up with by way of specific proposals to cut spending. This is where we get to what I call the credibility gap. The credibility gap really is a chasm, because we need to find $1.481 trillion of cuts. But so far the Republican side has identified $277 billion in specific spending cut proposals. It is a paltry amount in comparison to what is needed to get the job done.

So I say to the Senator from West Virginia, it looks to me like they have

a $1.2 trillion credibility gap—the difference between what is necessary to balance the budget over 7 years and what they have outlined to balance the budget over 7 years. I say to my colleague from West Virginia, $1.2 trillion—that is one thousand two hundred billion—is a lot of money. Even in Washington talk that is a lot of money.

I think our friends on the other side owe it to us, and they owe it to the American people, to come forward with a plan to tell us specifically, precisely, how are they going to cut an additional $1.2 trillion. Are they going to take it out of Social Security? They say not. Are they going to take it out of Medicare? They say not. They say they are not going to take it out of defense. They cannot take it out of interest on the debt. That means well over half of all Federal spending is off the table.

I ask the Senator from West Virginia for his reaction to what I see as this enormous credibility gap by our friends from the other side.

Mr. BYRD. I thank the distinguished Senator. The $1.2 trillion, it seems to me, represents $1,200 per minute since Jesus Christ was born. To count $1 trillion—so that we might have a little better sense of the numbers that the Senator is talking about—at the rate of $1 per second would require about 32,000 years. It would take 32,000 years to count $1 trillion at the rate of $1 per second.

So the Senator is talking in terms of big money. There is a gap.

But there is another gap I am thinking about, also. If those from behind this steamroller—this constitutional amendment on a balanced budget—if they can mount 67 votes—and the conventional wisdom around of late is that that amendment is a sure thing and it is going to be adopted. In the discussion, they are already talking about how it will fare at the State level. If the 67 votes are found in this Senate, and two-thirds of the 435 Members of the House are going to vote for that constitutional amendment, why can those who support the amendment not lay out the road plan now? Why do they not bring in their plan now if they have 67 votes in the Senate and two-thirds of the 435 votes in the House that will vote for a constitutional amendment on a balanced budget? Why do they not simply bring in the plan now and start voting on it? It would only take 51 votes in the Senate. It only takes a majority to pass legislation. Why do they not do that? They have all the votes. They have all the votes that are necessary to raise taxes now. Instead they are going in the opposite direction and everybody is talking about cutting taxes—not everybody.

The administration is for cutting taxes, the Republican Party is for cutting taxes. But also the Republican Party wants—the Republican Party on the Hill—a constitutional amendment on a balanced budget. Why not start on it today? Why not start to deal with balancing the budget today, next week, next month? All they need is a majority of the votes to do that. They do not need two-thirds to do that, as they will need for a constitutional amendment. So that is a big gap. I cannot understand why it is easier to get 67 votes than it is to get 51.

Mr. CONRAD. Will the Senator yield further?

Mr. BYRD. I am going to give up the floor shortly. I will yield, if I may, without losing my right to the floor. I just wanted to ask another question.

The PRESIDING OFFICER. Is there objection to the request? Hearing none, the Senator is recognized.

Mr. CONRAD. Mr. President, I just want to go further on this point. It just strikes me there are those of us who very much want a balanced budget. I am in that camp. The Senator from West Virginia knows that I feel strongly that we ought to balance this budget; we ought to do it the right way.

Mr. BYRD. That is why I voted for the 1990 package that was developed at the summit among the Republicans and the Democrats, when Mr. Bush was President. That is why I voted for the 1993 package. Not a Member, not one of our friends on the other side of the aisle, voted for the 1993 package, as I recall. I voted for it. It was tough to do it.

Mr. CONRAD. I think we should say that that 1993 package has, in fact, reduced the deficit. We had a Federal budget deficit in 1992 of $290 billion. In 1993, that was reduced to $255 billion. Last year, it was further reduced to just over $200 billion. This year, the estimate is it will be further reduced to some $176 billion.

The fact is, on that plan that the Senator from West Virginia and I both voted for, we did not get a single vote from the other side of the aisle; not a single vote. And voting for that plan took political courage, because it did cut spending. It cut over 100 programs by over $100 million. It also raised taxes on the wealthiest 1 percent.

People, of course, do not want to pay more taxes. I do not want to pay more taxes. I levied more taxes on myself in that vote; I wound up paying more in taxes. But I did it because I recognized we have a national crisis. We have to get our fiscal house in order. And if we are to do that, it requires a plan.

The point I wanted to make is that our friends on the other side of the aisle say they are for a balanced budget, but they have not come forward with a plan to do it. Talk is cheap. Talk is cheap. It is easy to say, ''I am for it.'' The difficult thing is to put down a plan that actually starts to do it.

I think it is terribly important that the American people know that there is this extraordinary gap between what our friends on the other side have said they are going to do and what they have identified to get the job done—a $1.2 trillion gap.

I said last week that gives a whole new meaning to the phrase, ''don't ask, don't tell,'' because that is what they are asking here. ''Don't ask, don't tell'' the American people. They are saying to the people, ''We are going to pass this balanced budget amendment, but we are not going to tell you how we are going to do it. We are not going to tell you where we are going to make $1.2 trillion in cuts over the next 7 years.''

I think the American people deserve better; I think our colleagues deserve better. I know the Senator from West Virginia believes that they have an obligation to come forward and be specific. I think that ought to be central to any debate we have.

I again thank the Senator from West Virginia for his courtesy and just ask him once again: Does not the other side have an obligation to come forward with a plan? Do not the American people deserve to know where they intend to cut $1.2 trillion over the next 7 years? Do not the people have a right to that plan?

Mr. BYRD. I thank the distinguished Senator, Mr. President.

Of course they are entitled to know what is in the plan. And we have a responsibility, in my judgment, before we rivet this piece of garbage into the Constitution, we have a responsibility to tell them what our plans are, how we expect to achieve this goal.

Mr. President, I thank the distinguished Senator. I hope he will expound further at some point on the subject matter concerning the constitutional amendment on the balanced budget. I hope he will use those charts. I hope he will elaborate on the matter further.

I do not intend to discuss that matter further right now. There will be a time, when we will be talking about the constitutional amendment on the balanced budget, that like Shallow, in ''The Merry Wives of Windsor'', ''I will make a star chamber matter of it.''

Right now I just want to ask one more question of the distinguished managers. In looking over Mrs. BOXER's views, minority views, I have noted—and I will not read her entire views as expressed in the report, but she says, in part:

> I am also disappointed that the bill fails to directly address one of the biggest unfunded Federal mandates faced by California: the costs imposed by illegal immigration. I therefore plan to offer an amendment on the floor to ensure that the costs to States and local governments of illegal immigration be addressed in the bill.

Mr. President, I share her viewpoint on this. I share the view that she has expressed with regard to the costs imposed by illegal immigration. As a matter of fact, the full Appropriations Committee, under my chairmanship last year, conducted some hearings on this matter. The members were very concerned about illegal immigration, about the costs of illegal immigration that are being imposed on States like

California, and the various Governors appeared at that time.

Do the managers feel that it is likely that we will have an opportunity to debate this amendment? Mrs. BOXER says she is going to offer an amendment ''to ensure that the costs to States and local governments from illegal immigration be addressed in the bill.''

What is the likelihood of such an amendment being adopted?

She also expresses concern that the amendments to sunset the bill were rejected by a party-line vote. What can we expect? Can we expect any relief for those States that have such humongous problems at this time with respect to illegal immigration? Can we expect them to get any relief?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Mr. President, I believe the Senator from California raises a very important issue when she raises this question of immigration. The Senator from Florida, the Senator from Texas, the Senator from Arizona, and many others have raised this issue.

But in listening to the distinguished Senator from West Virginia as he talks about the process and the fact that he believes there is a process where the committee should be involved, this issue of immigration is a monumental issue. I do not know that, by bringing that to the floor, this is the forum for us to finally resolve that.

I have also spoken to the distinguished Senator from Wyoming [Mr. SIMPSON] who has also been providing leadership on this issue. My concern is that I do not believe this is the bill to attach it to.

But, am I empathetic to what those Senators are saying? Absolutely. This Nation needs to deal with that issue of immigration, but I do not believe this is the vehicle to accomplish that.

Mr. BYRD. I do not mean for the Senator to address that particular aspect of it. That was not my point. I do not expect this bill to address that aspect of it.

But Mrs. BOXER and others are obviously very concerned with respect to the unfunded mandate or mandates that are being placed upon the States to deal with this problem. My question goes to that aspect, not to dealing with a solution to the overall problem.

Mr. KEMPTHORNE. Will the Senator yield further?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. I would just read to the Senator about 10 lines from the bill. This is on page 3, under the purpose of the bill. It states:

(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.

I believe, I say to the Senator, that if S. 1 were in place right now, this would be the process that would help, for example, the Senator from California in dealing with what may be further Federal mandates where there are costs imposed on the States under that title of immigration.

This is a process before we cast our vote. Because, the Senator is well aware of how many times, when we have a 15-minute rollcall vote, we will go down there and we may confer with one another during those 15 minutes and we will ask, ''Is there a mandate in here?'' That is the extent of the knowledge we have today.

This is going to give us a process so that we will know that there is a mandate or there is not. We will know the cost of it. We will know the impact on both the public and private sector. And we will know that information up front before we cast our vote. So that is why I am so desirous to get on with the implementation of S. 1, because then we can take some of these very important issues that the Senator has raised.

Now we have a process to allow Members to deal with it so that it is informed as opposed to the current process.

Mr. GLENN. Will the Senator yield for an additional reply to his question?

This bill is prospective. It does not try to go back and undo what may have happened or what may have built up in the past.

I see our distinguished colleague from Iowa on the floor, and I am sure he may want to address this because I understand he had a proposed amendment that we go by. But this bill is strictly prospective. It tries to address what has been the major problem with regard to the Federal-State relationship, and that is that we have specifically passed a lot of laws that impose mandates on the States.

Now, we do not propose in this legislation to try to correct the situation where the Federal Government has had a responsibility—for example, immigration control—and that responsibility has been inadequately met to the point where it is developing into a major problem, at a major cost to States. We do not try to address some of those things.

Now, that has to be addressed. I do not think it necessarily needs to be addressed in this legislation, because if it is, then, we are into a real quagmire of considering every situation where States or particular Senators from States have a feeling that because the Federal Government did not meet the States' responsibilities—say, in flood control or in whatever area it might have been—that we then have to come back and assume responsibilities for that later in this legislation.

Now, I think it is very fair and proper that we address the immigration problem, but we made no attempt in this bill, nor do I really feel that we should in this bill, to address something like immigration, which is where the Federal Government, obviously, has not met its responsibility to control immigration for the United States of America. We have not been doing it, particularly in California, Texas, the border States along our southern border, and to some extent in other States, also.

That is where the major problems have occurred, because the Federal Government did not meet its responsibilities. Then I think there should be separate legislation that deals with this. But this bill is not set up to address something that is of that nature and that is already behind us.

I would say this: The major problem for most States—although that is a major problem for California, for instance—but the major problem for most States has not been of that nature where the Federal Government did not meet its responsibilities. The major problem we are trying to address here is where the Federal Government has in many respects gone too far, maybe, in meeting this responsibly and tossing this requirement downhill to the States and local communities and saying, ''You pick it up''—the States—''we are not going to do it.'' That was not done intentionally from the Federal Government with regard to immigration, although we have to address that.

So, what we are trying to do, and the major cost to most States has come from the unfunded mandates where we have passed laws that require clean air, clean water, clean whatever it was, and said, ''OK, States, but you pick up the bill on this.'' We have not tried to address something that has happened where a Federal responsibility is not met and tried to address that in helping States like California, or Texas, or New Mexico—Arizona in particular, pick up the costs that they have, I feel, unfairly, been saddled with. I yield the floor.

Mr. BYRD. Mr. President, I agree with the Senator. I thank both Senators for their responses to my questions.

I have over the weekend, as I say, read the reports. I found some positive things in the reports which have an attraction with respect to this legislation.

At some point I would like to ask some further questions, but I yield the floor at this time. I thank both Senators for their courtesy.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again, many of the points raised by the Senator from West Virginia I may happen to agree with. In fact, I do agree with many of the points that were made this morning.

The discussion about the balanced budget amendment, now while that is an important issue, this is not the legislation dealing with the balanced budget amendment. That will come sometime in the future. This is about