SENATE—*Wednesday, January 25, 1995*

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, the Reverend Richard C. Halverson, D.D., offered the following prayer:

Let us pray:

In a moment of silence, let us remember Senator ALAN SIMPSON and his family in the loss of his beloved mother. Two great mothers have gone from us recently.

Beloved, let us love one another: for love is of God * * *.—I John 4:7.

Our Father in Heaven, we thank Thee for the beautiful differences in the human family—for its varied shapes and sizes, its features and colors, its abilities and talents. We thank Thee for Democrats and Republicans and Independents. We thank Thee for liberals and conservatives, for moderates and radicals. Deliver us from the forces which would destroy our unity by eliminating our diversity.

Help us to appreciate the glorious tapestry of life—the harmonious symphony which we are together. Help us to respect and love each other, to listen and understand each other. Grant us the grace to work together in the strategic mix that is the United States of America.

We ask this in the name of the Lord of Life and History. 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 the time until 10:30 a.m. under the control of the Senator from Idaho [Mr. CRAIG], or his designee.

The Senator from Idaho is now recognized.

SCHEDULE

Mr. CRAIG. Mr. President, thank you very much. Following the 10:30 special order, the Senate will resume consideration of S. 1, the unfunded mandates bill, and rollcall votes are to be expected throughout the day, and a late night session should be anticipated, according to our leader.

(Mrs. HUTCHISON assumed the chair.)

THE NEED FOR A BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, I have requested and gained an hour of morning business under a special order today to discuss the beginning of what I believe will be one of the most historic debates that the Congress of the United States will engage itself in and most certainly that the 104th Congress will become involved in. That debate will begin in the House today and will begin in the Senate early next week.

What I am talking about is an issue that many of us for a good number of years have believed is the most important issue to bring our Government back on track and to focus it on the priorities that the American people want us to focus on and that, of course, is the issue of our fiscal matters and our spending under a balanced budget amendment to the Constitution of the United States.

In November of this year, as for a good many years, the American people have spoken very loudly about their desire to see this Congress, and all past Congresses, move in a fiscally responsible way. Our failure to do so over the last good many decades has produced our Nation's largest Federal debt of now 4.6-plus trillions of dollars. It has produced an annualized deficit of nearly $200 billion and an interest on debt—now the second-largest payment in our Federal budget—of nearly $300 billion a year.

I think the American people spoke with fright and alarm this year, that this Congress and its political leaders seem to be unsensitive to the continued mounting of a Federal debt and the potential impact that debt will have on future generations.

Before the President pro tempore opened the Senate this morning, I asked him if he would address us on this issue briefly before he resumed his duties as chairman of a very important committee in the Senate. Certainly, for all of his political life, Senator THURMOND has led this issue, has offered the American people and the Congress of the United States the foresight to focus on the issue of balancing the Federal budget, and he was the first, some 30-plus years ago, to introduce the concept of a constitutional amendment for a federally balanced budget.

At this time, I yield to Senator THURMOND such time as he might consume.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

A BALANCED BUDGET AMENDMENT

Mr. THURMOND. Madam President, I am very pleased to say a few words on behalf of the constitutional amendment to balance the budget. I have been in the Senate 40 years now and for 36 of those years I have favored a constitutional amendment to balance the budget. I worked with Senator Harry Byrd, Sr., Senator Styles Bridges, Harry Byrd, Jr., and many others in the past, in an effort to get this amendment adopted.

As chairman of the Judiciary Committee a few years ago when President Reagan was the President, I was chairman of the Judiciary Committee and was the author of a constitutional amendment to balance the budget. We got that amendment through the committee and we got it through the Senate. We sent it to the House and the House killed it. The Speaker of the House and the majority leader led the movement to kill that amendment.

Evidently, they did not want to stop spending. And the spending has gone on year after year after year. We have not balanced this budget but one time in 32 years. We have not balanced this budget but eight times in 64 years. That is a disgrace to this Nation. We should not spend more than we take in in any year. And if we do spend more, it should be made up immediately.

Under the South Carolina law and constitution, we have to balance the budget every year, and we do it. If we can do it in South Carolina, we can do it in the United States. It is nothing but reasonableness and fairness and exercising foresight that will balance the budget.

I am very anxious to see us pass this amendment. I think it would be the greatest step we could take.

There are two threats to this Nation that we must realize. One is that we must keep strong armed services. We have threats now throughout the world. We have hot spots in North Korea, Iran, Iraq, and other places. We must keep a strong defense if we are going to remain free.

President Clinton has taken steps to reduce our strength in defense. I am hoping we can rebuild that strength. We need to make the 1996 budget for defense equal to the 1995 budget. We must take steps to rebuild defense so that this Nation can remain free and

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

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strong and preserve all that this country has stood for.

The other threat is the fiscal threat, and that is a serious threat. When we have not balanced this budget but one time in 32 years, that means it is a threat. How are we ever going to balance it if we do not take steps? I remember a statute was passed years ago to balance the budget. Before the end of the session, we had passed appropriations to overcome that statute. The statute did not amount to anything. It will not amount to anything now.

The only way, in my judgment, to stop spending more than we take in and to balance this budget is to pass a constitutional amendment to mandate, to make, the Congress do it. The Congress has not shown the attitude to do it. They have not shown the will to do it.

How are we going to handle it? I do not know of any other way under the Sun to do it except to pass this constitutional amendment. I urge my colleagues to go forth and show the courage and take the steps necessary to balance this budget. The best way I know to do it is to pass this constitutional amendment.

First, I want to commend the able Senator from Idaho for the great interest and leadership he has shown on this important question. He is a very fine representative. He represents his State and Nation well. On this particular question he has shown unusual leadership and is to be commended.

Mr. CRAIG. Madam President, let me thank the Senator from South Carolina and once again recognize his early and continued leadership on this most critical issue. I thank him for making those opening comments this morning on this special order as we begin to debate the balanced budget amendment.

As I mentioned in my opening comments, Madam President, the House begins debate on House Joint Resolution 1. Under the rule reported from the Rules Committee, six substitute amendments are in order from the following Members: Mr. BARTON, Mr. OWENS, Mr. WISE, Mr. CONYERS, Mr. GEPHARDT, and SCHAEFER-STENHOLM. In other words, the House is looking at a variety of approaches to offer an amendment through the resolution process to our American citizens.

Of course, we must recognize that any one of those resolutions, as is true of the resolution here in the Senate, has to gain the necessary two-thirds vote for final passage. There will be about 3 hours of general debate and 1 hour of debate on each one of the substitutes.

The reason I bring this up, Madam President, is because early next week we will begin debate on a very similar resolution to the Schaefer-Stenholm resolution. Already there is talk that that debate could go on for 2 weeks, 3 weeks. There could be 200 or 300 amendments, all dealing with different aspects of Federal spending that some Members of the Senate think ought to be exempt from the rule or the constitutional requirement of a balanced budget.

Whatever time we take in the House and in the Senate, I believe the most significance to that time will be reflective on the importance of this debate and the attention the American people are giving it. There will be a good many arguments about whether we should or should not balance the Federal budget, whether we should exempt certain portions of the budget, whether we should clearly establish priorities of spending within the Constitution, or whether we ought to be sensible, as I think the Senate resolution is, to establish the ground rules of a constitutional requirement for a balanced budget and then to recognize, as I think all Americans recognize, that over the length and breadth and strength of a Constitution now having directed the Senate for over 208 years, that it is the Congress itself what must establish the spending priorities from one generation to another.

It is clearly important that we establish the rule of a balanced budget and the dynamics of how we get to a balanced budget through a procedure. Certainly, it is the responsibility of the House and the Senate, of the Congress of the United States, to establish the spending priorities. That certainly is what the Senator from South Carolina was referring to this morning when he placed high on the list of priorities for the strength and stability of our Nation in a world of nations our national defense and a concern that that ought to be, as our Founding Fathers said, one of the primary responsibilities of a Federal central government: providing for our national defense and our human freedoms. That is a priority that the Senator from South Carolina would establish. It would be a priority similar to the one that I would want. It would list high on a number of items that I might place as priorities for spending.

What is reality today is that there is no fiscal discipline within the bodies of the Congress of the United States, so there need not be the listing of priorities, there need not be the responsibility of turning to the American citizen and saying, "Here is the money we have to spend; here is where we are going to spend it" because we believe that is the best priority outline that we can offer to the American people at this time.

Second, under our Constitution, we have clear obligations, and that is, of course, to provide for the common defense and, in the words of our Constitution or the preamble, to promote our Nation's welfare.

I am pleased to be joined this morning with the Senator from Wyoming, and I ask at this time if he would like to participate in our special order. I yield to the Senator from Wyoming such time as he may consume.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

A BALANCED BUDGET IS NOT A NEW IDEA

Mr. THOMAS. Madam President, I thank the Senator. I am pleased to have the opportunity to join in to talk about a balanced budget amendment.

There has been a great deal of talk about it. There continues to be a great deal of talk about it. There is a great deal of interest in this matter, as there should be. I think most of all, as evidenced by the leadership of the Senator from Idaho, there is a great deal of dedication to getting this job done.

Voters supported the idea in November. It is not a new idea. Somehow some of the discussion seems to center on what will we do with such a thing. The fact is that it is not a new idea. It is not a new idea for the Congress. It is not a new idea for the Nation. Indeed, it is used by 48 States now, and used successfully in my State of Wyoming. We have a constitutional balanced budget amendment. The legislature and the government live by that constitutional amendment without a great deal of problem, as a matter of fact.

So, it seems to me that it is terribly important. It is important because it will result in a balanced budget amendment and a balanced budget that we all agree should happen.

It is also a symbol of responsibility, both morally and fiscally. So it is something that we really ought to do. There are, of course, a couple of questions that are always asked. The first question and the basic question we ought to ask ourselves and voters ask themselves and citizens ought to ask themselves is: Should we, in fact, balance the budget? Should we in the Congress spend more than we take in? Should we live on the same basis as our families must? As our businesses must? As local governments must? And that is, that we have to have a balance between revenue and expenditures, a reasonable thing. That first question is: Should we do that? The answer is, I think, almost unanimous, not only among Members of the Congress, but among voters and among citizens: Yes, indeed, we should do that.

So, a citizen in Greybull, WY, says: What is the discussion about? I do not quite understand this. Of course we ought to balance the budget.

The fact is we have not balanced the budget and we need to do something about it.

He says: Gosh, everyone says they are for a balanced budget. Do you know of anyone who says, no, we should not balance the budget? Of course not. Everyone wants to balance the budget. And yet we find more and more people who are saying, "What is the hurry? Let us delay this. I am not sure about

this. Let us talk about it," as if we had not talked about it before.

They oppose the amendment saying we do not need an amendment; we have the tools. The Director of OMB was on TV the other day in sort of a debate about it and saying, "Gosh, we do not need an amendment; we can balance the budget. We have the tools." The fact is, the evidence is, that that is not true. We have not balanced the budget. We have balanced the budget once, I think, in 26 years or something and just a few times out of the last 50 years.

So the fact is that there does need to be some discipline. The idea that we want to balance the budget does not just make it happen. I understand why it does not happen. There is always a reluctance to raise revenues and there is always a willingness on the part of politicians to want to do things for their constituents. And I understand that. The result, of course, is that we spend much more than we take in. The result is that we have nearly a $5 trillion deficit that you and I and our children and our grandchildren must live with.

So then some say, "Well, what about the details? We want to know precisely how you are going to do this." Obviously, that is almost an impossibility. It is going to be done over a period of time and, I must tell you, I am not concerned about the fact that it is 5 years or 7 years or, personally, if it is 10 years. If we are in a course toward balancing the budget, moving without deviation to that, if it takes longer, let it take longer.

But who knows what the economy will be in 5 years? Who knows? So the idea that you can lay out in detail how you are going to do it does not seem to be reasonable. It seems to me, rather, to be a way of saying, "Yes, I am for a balanced budget, but unless you can give the details, then I am not for it." It is simply a way of saying I am for it and not for it, which is not a new technique in this place, by the way. It is done quite often.

The other interesting thing about that is the same person will say, "We can balance the budget without the amendment, but I want to know the details if you are going to have an amendment; tell me the details of how you are going to do it without an amendment." The cuts are going to have to be about the same.

Then I heard someone this morning on TV say, "We want to know about Social Security." We have clearly said Social Security is not to be a part of the reduction. We have clearly said that Social Security is an obligation that we have to Social Security recipients.

We hear a great deal about cuts, as if there would be draconian cuts to do this. The fact of the matter is that what we are really talking about is a reduction in the growth. That is what it takes, the discipline to have a reduction in the growth.

I noticed there are others on the floor who want to talk about this. I feel very strongly about the balanced budget amendment. As I indicated, as a member of the Wyoming Legislature, I was involved with this process. I think it works. I think it should work for us on the national level. I think we have a great opportunity to do that now.

I think this is one of the procedural changes that we really need to have if you want to have a change in Government. Procedural changes are, in the long run, more important than are the specific changes that we will make in this year or any other year because they change the way that the Congress deals with problems.

Procedural changes, like the one that we have already passed on making the Congress accountable, to live under the same rules that we expect everyone else to live under, changes like line-item veto are very important, it seems to me.

It is almost impossible for Members of this body or the House to reach into bills and make changes on the floor. But the President is the only person who has the kind of political structure on which to stand to make those sorts of cuts in pork. The line-item veto is very important.

I happen to believe that unfunded mandates is one that we have to pass. Procedurally, that will change the future of how this Congress behaves. I personally believe we ought to have term limits. These are the procedural changes that will impact the decisions we make.

I am persuaded—I think most people in this country are persuaded—it is morally and fiscally correct to balance the budget. I am persuaded the evidence shows we have not and cannot do it without the discipline of an amendment. I am persuaded that the States and the people, through their legislatures, ought to have a chance to deal with it on a constitutional basis.

I urge that we move forward and give the people of America an opportunity to deal with this issue through their legislatures.

I yield the remainder of my time.

(Mr. JEFFORDS assumed the chair.)

Mr. CRAIG. Mr. President, I thank the Senator from Wyoming for participating with us this morning in the discussion of the debate that, as I mentioned earlier, is beginning today in the House and will commence next week in the Senate, one of the most important debates, I think, any of us who are privileged to serve in this Chamber will engage in in the course of the next good many years.

Let me now yield such time as he would desire to the Senator from Georgia for comments on the balanced budget amendment.

A GREAT ISSUE BEFORE THE NATION

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho for the opportunity to share thoughts on this great issue before the Nation called a balanced budget amendment.

I really do not think we would be in this debate this year except for one thing: I believe this would have passed the U.S. Senate last year. We had a very strong debate and very narrowly failed to pass a balanced budget amendment a full year ago.

Why did we not pass it? In my judgment, it failed because the President of the United States chose to oppose it. When it was clear that the President would not throw his weight behind this idea, I sensed the energy in letter after letter coming in from one special interest group after another that had become dependent upon the Federal Government and its largess, stacks upon stacks upon stacks, in an effort to frighten the American people about the consequences of a discipline machinery to deal with the financial health of our Nation.

Fair tactics—will somebody be affected? Will there be less there for them if we manage the financial health of the Nation?

In my judgment, we would have passed it had the President assisted.

This is important as we begin this debate, Mr. President, because shortly thereafter—shortly thereafter—the Nation had a chance to reflect on that debate and this Presidency, and the contest that has been waging in our Nation's Capital about governance, how are we going to govern ourselves? As we have, or are we going to change our ways in the Nation's Capital?

The election of November 8 probably is only paralleled maybe four other times in American history. Four other times in the entire history of this Nation has the whole of the Nation come so forcefully to an election. I think much of it was shaped by that balanced budget debate which was defeated with the weight of the Presidency against it.

Then we have a public opportunity to comment and the public says, "We want the way things are done in Washington changed and we are going to change the people who represent us there." And they did, in overwhelming numbers.

At the center of the debate, over and over, was the balanced budget amendment. The people who were sent here are supporters of the balanced budget amendment. Many of the people who opposed it were not returned. Today, between 7 and 8 out of 10 Americans across the land support the balanced budget amendment.

In the last few weeks, we have heard talk about "reinventing the President." From my point of view—I am sure my advice is not adhered to down at the Pennsylvania Avenue White House—you really cannot reinvent people who have been in public life a quarter of a century. I do not think it is a

useful term. But in any event, "reinventing the President."

Last night, we were to have our first view of the new look. I think it has all paled and will all be forgotten and will all be set aside except for two paragraphs of the speech; a 1½-hour speech and about a 3-minute piece will be the substance that will be remembered.

That is when the President about midway through the speech said, "I do not support the balanced budget amendment," having supported a balanced budget. But that is the routine we have been playing for the last 30, 35 years. We all support a balanced budget, but we never get to one.

To me, the President defined and made vivid his decision about the next 2 years of his administration when he decided: "I do not support the balanced budget amendment." That means that the message of November 8 has not been embraced by this President. Anything that was so core to the election, so overwhelmingly supported, to be rejected in the face of all this, to be set aside, that he will stand in the way of that yet again as he did last year, defines his view of this capital city. What it says is I think things are just fine the way they are. I do not think we need to change the rules. We do not need to change the rules to balance the budget. The reason so many Americans support it is they do not believe that anymore. And why should they? We never do.

Mr. President, the American people realize that we must change the process and the procedures by which we deal with governance in this country. They believe the Federal Government has become too big; that it exacts too much of the fruit of their labor. They work from January to June, some of them August, before they get to keep the first dime for their own dreams. They feel the Federal Government has become too intrusionary, too much in their face.

The balanced budget amendment is symbol and substance—symbol and substance. It symbolizes that we are going to change; that we are going to reorder the way we manage our financial health; that we are going to come to grips finally with the setting of priorities; that we are going to force ourselves to pick that which we can do and that which we cannot do.

When the President decided he would not support it, he was saying, loud and clear, we are going to keep on doing things just the way we have been, and I am not going to listen to the message of November 8.

Then he went a step further; he began using the same techniques that have been used historically to frighten America, to frighten her about a discipline and a new set of rules, to start picking out different groups of people and saying, now, wait a minute. If we start setting priorities, this may affect you.

It had been that technique over the years that has blocked, time and time again, our coming to grips with our priorities. You know what I would say to those groups? I would say that if this Nation does not find a way to discipline its financial management, it will be unable to care for anyone.

Have you ever known a family, have you ever known a business, have you ever known a community, a State or a nation that was able to effectively provide for its needs and its priorities if it was financially weakened or unhealthy or it had been undisciplined in the process by which it governed itself, that it had mounted debt it could no longer control?

We only need to look south of the border, not far from here, to know what happens when you do not have sound financial management. Who is impacted by that? By every report, the disadvantaged, the poor. Those who are on the margin are the ones who are going to suffer from that crisis in Mexico.

The balanced budget amendment is a fundamental core process that forces our Nation to set priorities and assures us that we will always maintain financial integrity, and that integrity is fundamental to our ability to take care of our responsibilities for ourselves and our responsibilities as the leader of the free world and civil order in that world.

Mr. President, I yield the floor to my colleague from Idaho.

Mr. CRAIG. Mr. President, I thank our colleague from Georgia for those well-placed comments and pointing out some of the stark reality of the debate and the support and the opposition for this most important issue.

I was in the Chamber of the House last night for the State of the Union speech, and I was very disappointed when our President used the old argument: well, if you are going to balance the budget, show us where you are going to cut.

That is like saying to a man or a woman who is terribly overweight and they are just getting ready to start a diet, tell me every bite of food you are going to take over the next 4 or 5 years to lose all of your weight—every bite, every kind of food.

You and I know that is not possible. What we do know, when someone announces they are on a diet and has consulted a doctor and is beginning to work, they have started a process, and they have begun to work toward a goal and they have put themselves on a regimentation.

Mr. President, that is a phony argument, and you used it last night, and you know it is. Over the next 5 or 6 or 7 years, as the Senator from Wyoming spoke, as we balance the Federal budget, priorities may shift, they may change a little, and we may choose to spend less in one area and more in another because we have seen that is where the American citizenry needs their tax dollars spent.

So as the Senator from Georgia said, what we speak about today and what begins in the House today and on this floor next week is the debate about putting into the Constitution a process requiring a procedure through a process that gets us to a balanced budget and begins to build the enforcement of what we hope would become a standard discipline in this Congress, and that would be to balance the budget on an annual basis.

Mr. President, we are now joined by our colleague from Michigan who just in the past few months has campaigned on this issue and others. The people of Michigan decided to send him here to work in their behalf on issues like the balanced budget, and I would now yield to that Senator such time as he might consume.

BALANCED BUDGET AMENDMENT

Mr. ABRAHAM. Mr. President, as Congress prepares to take up a balanced budget amendment, I would like to offer to my Senate colleagues the perspective of a new freshman Senator who ran on an aggressive platform to reform Congress and limit the size of Government.

In my view, the balanced budget amendment to the Constitution embodies the spirit of the electorate that voted for a Republican Congress for the first time in 40 years last November. We in the Senate should not let them down.

The Founding Fathers recognized that persistent Government deficits and the growth of Government has consequences for the long-term stability of our democracy and implications for our individual freedoms.

The reason why the Founding Fathers did not include a balanced budget requirement in the Constitution is because they felt it would be superfluous. Paying off the national debt and balancing the budget was considered a high priority of the early administrations.

Consider the following comments by some of our Nation's early leaders:

Thomas Jefferson: "The public debt is the greatest of dangers to be feared by a republican government."

John Quincy Adams: "Stewards of the public money should never suffer without urgent necessity to be transcended the maxim of keeping the expenditures of the year within the limits of its receipts."

James Monroe: "After the elimination of the public debt, the Government would be left at liberty to apply such portions of the revenue as may not be necessary for current expenses to such other objects as may be most conducive to the public security and welfare."

From 1879 until about 1933 the Federal Government operated under an implicit balanced budget requirement.

Spending remained low—and rarely exceeded revenues. To the greatest extent possible, the existing debt was reduced.

As a consequence, Federal spending as a share of GNP never rose above 10 percent. In the mid-1930's, the rise of Keynesian economics gave politicians the economic rationale to increase Government spending to solve the Nation's economic problems. As a consequence, the balanced budget discipline was abandoned—and Federal spending exploded.

Today, Federal spending as a share of our national income stands at 22–23 percent—near historic levels. In effect, deficit spending has become the norm.

Because there are no limits to the availability of deficit spending, Members of Congress find it extraordinarily difficult to resist such spending. On the one hand, every dollar of deficit spending creates some measure of political advantage by pleasing parts of a Member's constituency; on the other hand, there is no need for Members to incur equivalent political disadvantage by having to raise anyone's taxes.

All the balanced budget amendment does is eliminate from our system this built-in bias toward spending caused by the unlimited access to deficit spending.

Critics of the amendment charge that it is a hollow gimmick, a substitute for making real choices about how to balance the budget. Perhaps the best way to respond to this charge is to examine how balanced budget constraints have worked on the State level. Every State except Vermont has some sort of statutory or constitutional requirement to balance its budget.

According to economist Bruce Bartlett, in 1933 total Federal spending was $3.9 billion and total State and local spending was $7 billion; 60 years later, however, the situation was almost reversed. By 1993, Federal spending had risen to $1.5 trillion, while total State and local spending had risen to $865 billion.

The fact that State governments were required to make real choices and balance their budgets, while the Federal Government did not, was the major reason why Federal spending has dramatically outraced State and local spending.

Without a balanced budget amendment, this Nation could be looking at Federal deficits in the trillions of dollars within 15 years. I was sent here by people who will not accept such a fate.

The proposed amendment does not read into the Constitution any particular level of spending or taxation, or mandate particular economic policy outcomes. It only restores the historical relationship between levels of public spending and available public resources. National solvency is not—nor should it be—a partisan political principle. It should be a fundamental principle of our Government.

Mr. President, I yield the floor.

BALANCED BUDGET AMENDMENT

Mr. CRAIG. Mr. President, let me thank my colleague from Michigan for saying that a balanced budget amendment should be a fundamental principle. It was historically. While it was not embodied in our Constitution, it was a fundamental principle of our Founding Fathers. And it was a fundamental principle of many Congresses for well over a century.

This Congress, this Government recognized there might be times of deficit. But during the good times, after you had overspent—whether it was for war or for other extraordinary purposes—you paid off your debt. In fact you ran a surplus.

That was an important part of the way our Nation kept its fiscal house in order. Of course we have lost that principle and now, for many decades, we have run deficits that mounted the debt I referred to earlier. Over the course of the next good many weeks there will be a variety of arguments about why we cannot balance the Federal budget.

I ask unanimous consent to have printed in the RECORD an article from Business Daily that appeared this morning entitled "A Balanced Budget Myth Bared: Economic Cycles Unlikely To Worsen Under Plan."

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

[From the Investors Business Daily, Jan. 25, 1995]

A BALANCED BUDGET MYTH BARED; ECONOMY CYCLES UNLIKELY TO WORSEN UNDER PLAN

(By John Merline)

A balanced budget amendment will either restore fiscal sanity to a town drunk on deficit spending or lead the country toward economic ruin.

Those, at least, are the stark terms typically used by supporters and opponents of a constitutional amendment outlawing deficit spending.

And, while passage of a balanced budget amendment is almost a sure thing this year, debates over its merits remain fierce—with critics from all sides of the political spectrum lobbing grenades at it.

Democrats don't like the rigidity it imposes while conservatives fear it may bias Congress towards tax increases.

One of the principal criticisms of the amendment is that it would short-circuit the federal government's ability to fight recessions, either with "automatic stabilizers" or with stimulus spending like temporary tax cuts or spending hikes. Yet there is little evidence to support this view.

"When purchasing power falls in the private sector, the budget restores some of that loss, thereby cushioning the slide," said White House budget director Alice Rivlin in testimony before the Senate Judiciary Committee earlier this month.

"Unemployment compensation, food stamps and other programs fill the gap in family budgets—and in overall economy activity—until conditions improve," she said, defending the budgetary "automatic stabilizers."

In addition, because of the progressive income tax code, tax liability falls faster than incomes drop in a recession, slowing the decline in after-tax incomes.

The result, however, is typically an increase in the deficit.

Mandatory balanced budgets would, she argued, force lawmakers either to raise taxes or cut spending in a recession to counteract increased deficits.

"Fiscal policy would exaggerate rather than mitigate swings in the economy," she said, "Recessions would tend to be deeper and longer."

Other economists agree with Rivlin.

Edward Regan, a fellow at the Jerome Levy Economics Institute in New York, argued that the amendment would "restrict government efforts to encourage private sector activity during economic slowdowns."

The assumption, of course, is that these automatic stabilizers actually work as advertised, an assumption not all economists share.

"If anything, I think the government has made economic cycles worse," said James Bennett, an economist at George Mason University.

Bennett, along with 253 other economists, signed a letter supporting a balanced budget amendment introduced last year by Sen. Paul Simon, D-Ill.

Ohio University economist Richard Vedder agrees. "If you look at the unemployment record, to use that one statistic, it was more favorable in the years before we began automatic stabilizers than in the years since," he said.

Much of the countercyclical programs were implemented in the wake of the Great Depression.

Unemployment data show that in the first three decades of this century the average jobless rate was roughly 4.5%.

PROLONGING SLUMPS

In the four decades since World War II, the rate averaged 5.7%. And, from 1970 to 1990, it averaged 6.7%.

In addition, some of the stabilizers may actually keep people out of the work force for longer periods of time, possibly prolonging economic slumps.

A 1990 Congressional Budget Office study found that two-thirds of workers found jobs within three months after their unemployment benefits ran out—suggesting that many could have found work sooner had they not been paid for staying home.

Other data suggest that, at most, federal fiscal policy has had only a small stabilizing effect on the economy, despite the sharp increase in the economic role played by government.

A study by economist Christina Romer of the University of California at Berkeley found that economic cycles between 1869 and 1918 were only modestly more severe than those following World War II.

Romer corrected what she said were serious flaws in data used to suggest that the pre-war economy saw far larger swings in economic cycles.

The finding runs contrary to conventional wisdom—which posits that government fiscal programs enacted after the Great Depression have greatly reduced the magnitude of boom and bust cycles.

"I think there are plenty of arguments against the balanced budget amendment," said Christina Romer is an interview. "I would not put much emphasis on taking away the government's ability of having countercyclical fiscal policy."

PRIVATE INSURANCE

Other economists argue that, even if economic stabilizers made a difference at one

time, vast changes in the economy have diluated the importance of government efforts.

"All this policy was formulated before the days of easy access to credit cards, two-earner families, and so on," said Bennett.

Finally, some economists note that the stabilizers Rivlin points to don't have to be a function of government.

Private unemployment, farm or other insurance could provide needed cash during economic downturns, they say, replacing the government programs as the provider of these funds.

While the effectiveness of automatic stabilizers is doubted by some, straightout antirecessionary stimulus spending has few outright backers—for one simple reason.

Every major stimulus package since 1949 was passed after the recession was already over.

These packages typically consisted of temporary tax cuts or spending hikes designed to boost economic demand and artificially stimulate growth.

The problem has been that, by the time Congress recognizes the economy is in a slump and approves a package, it's too late.

TOO LITTLE, TOO LATE?

Clinton's failed stimulus package, for example, was proposed nearly two years after the 1990–91 recession ended, and half of the money wouldn't have been spent until 1994 and 1995.

A study of the 50-year history of stimulus-packages by Bruce Bartlett, a senior fellow at the Arlington, Va.-based Alexis de Tocqueville Institution, concluded that "without exception, stimulus programs have failed to moderate the recessions at which they were aimed, and have often sowed the seeds of the next recession."

"These programs have not been simply worthless, but harmful," Bartlett wrote. "It would have been better to do nothing."

Further, even assuming the economic stabilizers or stimulus spending work as intended, a balanced budget amendment would have little bearing on the government's ability to pursue these policies during recessions.

First, the amendment allows Congress to pass an unbalanced budget, as long as it can muster 60% of the votes.

And, lawmakers could avoid that by simply running a budget surplus during growth years.

"The best technique is to aim for a modest budget surplus, of about 2% of GDP, over the course of the business cycle," Fred Bergsten, director of the Institute for International Economics, told the Judiciary Committee.

"This would permit the traditional 'automatic stabilizers,' and perhaps even some temporary tax cuts and spending increases, to provide a significant stimulus to the economy," he said. Interestingly, Rivlin herself made similar arguments in her book, "Reviving the American Dream," which was published shortly before she joined the Clinton administration.

In that book, Rivlin said that the federal government should run annual budget surpluses—increasing national savings and, in turn, economic growth.

At the same time, Rivlin said the federal government could strengthen federal "social insurance" programs designed to mitigate economic swings.

To accomplish this, she proposed shifting whole blocks of federal programs down to the states, including education, welfare, job training and so on.

Whether the amendment should contain a tax or spending limitation provision is another subject of debate.

"Absent a three-fifths majority provision, there will be significant tax increases if a balanced budget amendment is approved," said Allen Shick, a budget expert at the Brookings Institution in Washington, at a recent Brookings-sponsored budget briefing.

That is precisely what worries conservatives who insist that the supermajority language is included in the amendment.

A SUPERMAJORITY ON TAXES

"The supermajority requirement is premised on the fact that there is an intrinsic bias in favor of tax increases," said Rep. Joe Barton, R-Texas, who co-sponsored the tax limitation amendment.

While benefits go to specific groups who can effectively lobby Congress, taxes as spread more widely, he said.

A balanced budget amendment without a supermajority might, Barton and others argue, exacerbate this bias—requiring a supermajority to borrow money but only a simply majority to raise taxes.

He points out that in states with tax limitation laws, taxpayers saw taxes decline 2% as a share of personal income between 1980 and 1987. States without such protection saw taxes climb a comparable 2% over those years.

Sen. John Kyl, R-Ariz., argues that a spending limit, rather than a tax limit, should be included in the amendment.

"It's very important both how you balance the budget and at what level you balance it," he told Investor's Business Daily.

"If all you have is a requirement to balance the budget, Congress can fix the level of balance at too large a percentage of gross national product," he said.

SPENDING LIMIT AMENDMENT

Kyl proposes a constitutional limit on federal spending at 19% of gross national product—roughly equal to the average level of federal revenues over the past several decades.

Not everyone things these limits need to be in the amendment.

"The balanced budget rule should stand alone on its own merits," said James Buchanan, Nobel Prize winning economist at George Mason University, at the Judiciary committee hearing. "To include a tax or spending limit proposal . . . would, I think, make the proposal vulnerable to the charge that a particular economic attitude is to be constitutionalized."

Buchanan argues that such limitations should be passed as separate laws.

Others argue that even without a supermajority tax requirement, voters will not stomach more tax hikes. They point to the recent election outcomes as proof of the punishment leveled against tax-raising lawmakers.

"That's the true tax limitation," said Sen. Larry Craig, R-Idaho.

Mr. CRAIG. Mr. President, the writer of this article suggests that one of the standard arguments we are hearing, and we have now heard before both the committees—the Judiciary Committees in the House and the Senate—that have taken testimony on a balanced budget amendment, have come from people like Alice Rivlin who, in testimony for the White House as the Budget Director, suggests that we cannot possibly strive to balance the budget because, she suggests, that when purchasing power falls in the private sector—in other words referencing a recession—that the Federal budget must be there to stimulate, to cushion the slide, to cushion the downfall. She and others have used that as a standard argument, that under the "straitjacket of a balanced budget amendment, the Federal Government will not have that kind of flexibility. As a result, recessions will become deeper, verging on to depressions. Certainly our citizens will suffer as a result of it."

That is what she and other economists believe. They would argue that is largely the substantial majority of belief embodied in the community of economists in our Nation today.

I would like to argue differently. James Bennett, who is an economist at George Mason University, along with 235 other economists, have signed a letter supporting a balanced budget amendment of the very kind that the Judiciary Committee here in the Senate has brought forth that we will begin debate on next week.

Ohio University economist Richard Vedder agrees that the automatic stabilizers, if you will, that Alice Rivlin talks about, really are not necessary if you treat the economy of this country and if you treat the budget of our Government in an interesting way, and that is to keep it balanced and in the good years run a little surplus like they used to do, a good many years ago, and use that surplus in the more difficult times or recessionary times, to provide the cushion, and that in fact you will have fewer recessions, fewer radical swings in the economy, because you have created a much more stable private sector with a much stronger private sector financing base than to constantly be pulling from the private sector ever larger sums into the Federal package.

Every major stimulus package, this article says—which I think is fascinating—every major stimulus package that the Federal Government has passed to soften a recession since 1949 was passed after the recession was over.

If you remember, last year our President brought a stimulus package to the floor of this Senate, and to the Congress of the United States, arguing that this was going to be a cushion in the recession. Yet we were out of the recession. We had been out of the recession a year and a half. Last night this President touted that in his 2 years of Presidency so far we have had the strongest economy, we have created the largest number of jobs, that our economy is stronger now than at any other time in the Nation. How could, just a year ago, this President have been offering a stimulus package to pull us out of a recession because we were still in one? Mr. President, you cannot have it both ways. Because what you were suggesting last night was true, or what you were suggesting last year was true, but both cannot be true.

This article points out that historically, every time we have used a stimulus package since 1949 it has been at least 1 year after a recession was over with, and in the case of last year, nearly 2 years after the recession was over with.

What that references then is that it was not necessary, that, in fact, it created a deficit and it created debt, and it may well have brought on the next recession by pulling an excessive amount of money out of the private sector at just the time it was lifting off, growing, and creating jobs.

Mr. President, at this time let me yield to my colleague from Montana to use such time as he may desire.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized using the time of the Senator from Idaho which expires at the hour of 10:30.

THE BALANCED BUDGET AMENDMENT

Mr. BURNS. Thank you, Mr. President. I want to thank my friend and neighbor from Idaho, not only for this time but also for his leadership on this particular issue. It is not just this year that he has been involved in this. I think he has been involved in the balanced budget debate ever since he served in the House of Representatives, and he still works very closely with our friends in that body.

I just need a couple of minutes to remind the American people about, basically, representative government and the debate on priorities. If we ever worked in local government where the law says you will balance a budget and you will retain reserves on each line, no matter what the county government or what part of county government you look at, there was always a reserve. You were by law given a cap on how much reserves you could keep, but you also maintained those reserves.

So, basically, that is what we are talking about when we talk about a balanced budget amendment. It is the old self-governed philosophy as we pick our priorities and what is important to the survival of a free society.

We worked in Montana under an initiative called 105. We could not levy any more mills to raise taxes. In a time of declining property values when your entire budget almost was set on property values, the mills that you collected and put in your coffers and delivered the services that people then wanted, it was a wrenching experience to go through and say, "We just cannot find enough money for our museums, for our libraries, for our schools, for roads and bridges." Then we had to go back and sort of survey exactly the mission of government. What is government for? We had to reidentify. What is our mission here? What is our primary consideration? What are our second considerations if we have the money?

I would suggest that those primary considerations would be, first, public safety. That is our fire, our police, our emergency. I say that is the first consideration of government, public safety. Then I would go to probably transportation because we have to get farm-to-market roads; to provide, in other words, transportation, that highway of commerce that leads to all other elements of government. Then I would have to say it has to be education. They do not have to be in that order. But that is the primary purpose of government.

Then, when you move off of that—you are talking about dollars—if we have some, it is nice to add some amenities. Then we have to start looking at utilities, water, public health.

But I think we have to reevaluate why we have government. That is what this debate will be about; where we set our priorities. After all, is not that the debate of a free people? We will have to redefine the mission of government as we go into this debate called a balanced budget amendment. It forces us to take a look at those priorities, to set them and fund the ones we can. Yes. If the public wants more, then we should say it will cost such and such dollars. Are you willing to pay those dollars for that particular program?

I have said all along we can get to where we want to go in this debate if we have some reform. We need regulatory reform and spending and budget reform. The balanced budget amendment makes us go to those reforms and makes us take a look at them. In fact, as our good friend from Pennsylvania said yesterday in a small debate on a balanced budget, it starts the clock. It puts us on the field. It makes us look at our priorities.

So I thank my friend from Idaho. I just wanted to make those comments this morning. But we must not take our eye off of the ball. It forces us to set priorities. I think that is what the American people say. I think that is why they sent us here, to say, look at your priorities.

We heard the discussion about public radio and the NEA, the National Endowment for the Arts. I am saying, if my particular area of great interest is the ability to feed and clothe this great Nation, where are our priorities? Where are our priorities to maintain a free society and to bring together those elements that create a standard of living that is unmatched by any other society to this date in our history, and to take care of this little piece of mud that happens to be whirling through the universe? What this does is set priorities. I support it wholeheartedly.

I thank my friend from Idaho.

I yield the floor.

Mr. CRAIG. Mr. President, in my concluding minutes, let me thank my colleague from Montana for his strong support and for the always strong dose of good common sense he brings to the floor of the U.S. Senate, which sometimes does not prevail here when we debate fiscal matters, when we work in setting the priorities that he so clearly spelled out are the responsibilities of legislators like ourselves in meeting the mandates of a constitution and of the kind of government we have.

I think we all recognize that our Government cannot be all things to all people, and yet for well over three decades we have had a Congress that largely believed we could continue to spend and get involved in almost every aspect of American life, stimulating, offering, providing, adding to and always directing and controlling ultimately when we put the Federal tax dollar there. That has amounted, as I mentioned in my opening comments, to a $4.7 trillion debt that is now more than $18,500 of debt for every man, woman, and child in the United States.

In just a few moments we will resume debate of S. 1. That again is symbolic of a Congress and a government that has lost its vision of what our Government and country ought to be like. Our State Governors said, if you are going to pass a balanced budget, then pass S. 1 first so that you will not have the ability of a central Federal Government to push through to us mandates and then require that we raise the taxes. In other words, S. 1 really forces the priority process that my colleague from Montana so clearly talked about, which is part of the debate that is very much important in the whole of what we plan to do in the reorganization and redirection of our Government that was demanded of us by the electorate on November 8.

But, once again, let me remind my colleagues that as we begin this debate, there will be loud cries of: Show us your nickel and show us your dime, show us where you are going to spend, show us every bite of food you are going to take as you scale down your diet and you plan to lose weight.

Let me remind my colleagues we are talking about, with this Senate resolution, a balanced budget amendment to the Constitution. That is a process. That then requires a procedure to be adopted by the Congress of the United States to establish the priorities and spending and to bring us to a federally balanced budget.

So let the debate begin. Let us recognize over the next several weeks that this is only the beginning, that if this Congress sends forth a constitutional amendment, it must go to every State capital in this Nation and every legislator. And I hope every citizen becomes involved in what could be one of the most unique national debates in the history of our country as the citizens determine whether they want to ratify by 38 States the balanced budget amendment and begin to require the Congress of the United States to live within the parameters of a process that we will soon begin to debate and hope to establish.

I yield the remainder of my time.

THE STATE OF THE UNION ADDRESS

Mr. DOLE. Mr. President, last night was a time for rhetoric. And no doubt about it, President Clinton knows how to give a good long speech.

And now that the President has delivered his speech, the Republican Congress will continue to deliver on the promises we made to the American people.

For we know that the success of this Congress—as well as the future of our country—does not depend on our words. They depend on our actions.

And now it is time to act. It is time to carry out the mandate the American people gave us on November 8. And that means limited Government, less spending, fewer regulations, lower taxes, and more freedom and opportunity for all Americans.

As Governor Whitman said last night in the Republican response, if President Clinton is ready to help us achieve those goals, then we welcome him aboard. But we won't wait long to see if he means what he says. The train is pulling out of the station. Republicans are getting on with the business of changing America.

If President Clinton is truly committed to change, I hope he has a talk with with congressional Democrats—many of whom are devoting themselves to derailing Republican efforts to give government back to the people.

And while I do not begrudge anyone standing firm against legislation they oppose, some of my Democrat friends are doing their best to block legislation they support.

The American people are in a demanding mood—and rightfully so. They are watching us very closely. And they will know who is responding to the message they sent, and who is restoring to 100 percent pure partisan politics.

The President spoke again last night about Americans he terms as "middle class" and those he terms as the "under class."

We have a basic fundamental disagreement in philosophy here. Republicans do not believe we should create factions of Americans competing against one another for the favors of Government. Instead, we believe we should lead by taking actions that instill hope and restore freedom and opportunity for all Americans.

So, this Congress will carefully consider the President's so-called middle-class bill of rights,—but our actions will flow from the real Bill of Rights—the one that contains the 10th amendment to the Constitution.

The President did not mention that amendment last night, so let me read it for the record. It is very short.

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.

End of quote. That is all there is. That is the 10th amendment.

Let me close by saying how exciting it was for some of us, particularly me, to look up last night and see a Republican Speaker sitting behind the President. We have waited—some almost a lifetime, 40 years—to see this happen. In fact I think it was a sight I was beginning to loose hope of ever seeing.

But now it is a fact. And the President well knows that this Congress is much, much different from those in the recent past. He talked about yesterdays. This is not yesterday's Congress. This is a new Congress. This is not a big taxing, big spending Congress. This is not a Congress that has a government-mandated solution to every problem.

Rather, this is a Congress that has a very specific mandate from the American people. President Clinton said last night that despite his liberal policies of the past 2 years, he accepts and understands that mandate.

Republicans and all Americans who support our efforts to return Government back to the people hope that is a reality, and not just rhetoric.

So, Mr. President, it seems to me the President has spoken. He has every right to. He spoke as most Presidents do, laid out the best that has happened in the administration. That is true whether you are a Republican or Democrat President. The President talked about lobbying. He did not mention how many lobbyists contributed to his legal defense fund. So if we are going to stop and give it all back, maybe we will hear that announcement today that all that money is going to go back, the $1 million raised from lobbyists around the country for his legal defense fund.

We are prepared to work with the President. I must say I did not hear any cheers go up on the other side of the aisle when Mexico was mentioned. I do not know where the Democrats are on Mexico. The President said it is not foreign aid, it is not a loan. Maybe there is something we are not aware of.

But I would say as far as that issue is concerned, we told the President in good faith at this meeting at the White House, which Secretary Rubin has talked about a number of times, that we understood there was a problem and we wanted to help. But we are not going to help on just this side of the aisle. Unless there is some help on the other side of the aisle, forget it; it is not going to happen.

I do not see much support. I did not see any applause last night when the President talked about our special relationship with Mexico and our boundaries and the history of the two countries. But I would say to the President that we are still prepared to work out some arrangement—maybe a different arrangement than has been proposed so far. But it must be bipartisan. It cannot be Republicans in the House and the Senate providing the votes while the Democrats vote the other way.

If that is the case it will never be brought up in the U.S. Senate.

Mr. HOLLINGS. Mr. President, as I passed through the Chamber and heard the distinguished majority leader, I remembered the words of John Mitchell, the former Republican Attorney General. He said, "Watch what we do, not what we say."

As I heard the distinguished Republican leader, he asked that we not resort to class warfare. Yet almost in the same breath, he waxed eloquently about the "Contract With America" and sank into the very game he indicted. Yes, President Clinton has put forward a proposal to cut middle-class taxes. But let us not forget that an important part of the Republican "Contract With America" is none other than a middle-class tax cut. It is ironic, if nothing more, that Republicans would attack the President for something they themselves have done.

Having said that, I feel strongly that the formulation of public policy should not be based on class, or age, or race, or anything of that sort. We are Senators for all the people, in our State and throughout the entire country. Unfortunately, we too often fall into the trap of conducting politics by poll numbers and forgetting that fact.

We need to get out of that habit and start doing what is best for the American people. Otherwise we end up admonishing each other about lobbyists on the one hand, and then accepting contributions from them on the other, as might the distinguished majority leader when he establishes his committee for the Presidency. In the end, we haven't done anything, and the electorate simply grows angrier and angrier.

We should not resort to demeaning the Government. That is what I heard in the majority leader's speech today and in the President's last night. Sometimes I feel like Republicans and Democrats are in a footrace to see who can demean the Government the most, to which I take strong exception. After all, we are never going to work together and be effective, if we are always finding fault and pointing fingers.

Mr. President, let me briefly turn to another subject, namely, the crisis in Mexico. I shall have more to say on this issue at a later time, but let me make a few brief points. It is my opinion that the risk subsidies which the administration is seeking on the $40 billion in loan guarantees would require the Mexican Government to pledge some of its oil revenues. While that may be a good business decision to secure the loan guarantee, my fear is that we will be taking the wherewithal from the Mexican people to recover as a country. In essence, in a year or two, the United States of America will not

be seen as a friend, but as an enemy. In that sense, I think it is a bad, bad policy.

Furthermore, the President should not be obligated to get Democrats together.

It is a Republican program to bail out the billionaires. Former President Salinas was given tremendous credit for privatizing. But if you look at Forbes magazine last year, you will see that of the 24 to 25 billionaires, 22 were created under the Salinas administration. What we saw was the good old boys system where the newly privatized companies were farmed out to political allies.

If the Mexican Government really needs money, they should tell that crowd to give some of the money back. The people need it badly down there. But what we don't want is to get into a situation where we bail out Wall Street and the billionaires in Mexico but breed resentment from the Mexican people.

Supporters of the loan guarantees have taken pains to stress that it does not cost the United States anything. While that may be true on paper, I immediately recall the $7 billion we guaranteed to Egypt, the $14 billion to India, and the $2 billion to Poland. I do not mean to question the need for that assistance, but I merely raise that point to illustrate that when this crowd in Washington says it won't cost anything, it is the taxpayers who ends up holding the bag when loan forgiveness occurs.

Mr. President, I did not intend to talk at length. I only wanted to comment on the tone of today's political discourse which paints Government as the enemy. It isn't new. I heard the same singsong when I was a member of the Federalism Commission under President Reagan. "Get rid of the Government." Indeed, 15 years ago, President Reagan came to town pledging to slash Federal programs and send Government back to the States. Five years later, what we slashed was the funding by eliminating revenue sharing. That is what has caused the dilemma that brings this bill before the Senate today.

It is time for elected officials to quit blaming the Government in Washington and acting as if we were not part of the Government. Instead, we need to get down on the floor of the Congress and do the job, which the distinguished Senators from Ohio and Idaho are attempting to do. I thank them for their courtesy in yielding.

WAS CONGRESS IRRESPONSIBLE? THE VOTERS SAID YES

Mr. HELMS. Mr. President, anyone even remotely familiar with the U.S. Constitution knows that no President can spend a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when you hear a politician or an editor or a commentator declare that "Reagan ran up the Federal debt"; or that "Bush ran it up," bear in mind that it was, and is, the constitutional duty of Congress to control federal spending. We'd better get busy correcting this because Congress has failed miserably to do it for about 50 years.

The fiscal irresponsibility of Congress has created a Federal debt which stood at $4,799,369,247,041.81 as of the close of business Tuesday, January 24. Averaged out, every man, woman, and child in America owes a share of this massive debt, and that per capita share is $18,218.49.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. The hour of 10:30 having arrived, under previous order, the Senate will resume consideration of S. 1.

The clerk will report the bill.

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 resumed consideration of the bill.

Pending:

Levin amendment No. 172, to provide that title II, Regulatory Accountability and Reform, shall apply only after January 1, 1996.

Levin amendment No. 173, to provide for an estimate of the direct cost of a Federal intergovernmental mandate.

Levin amendment No. 174, to provide that if a committee makes certain determinations, a point of order will not lie.

Levin amendment No. 175, to provide for Senate hearings on title I, and to sunset title I in the year 2002.

Levin amendment No. 176, to clarify the scope of the declaration that a mandate is ineffective.

Levin amendment No. 177, to clarify the use of the term "direct cost".

Graham amendment No. 183, to require a mechanism to allocate funding in a manner that reflects the direct costs to individual State, local, and tribal governments.

Graham amendment No. 184, to provide a budget point of order if a bill, resolution, or amendment reduces or eliminates funding for duties that are the constitutional responsibility of the Federal Government.

Wellstone amendment No. 185, to express the sense of the Congress that the Congress shall continue its progress at reducing the annual Federal deficit.

Wellstone modified amendment No. 186, (to amendment No. 185), of a perfecting nature.

Murray amendment No. 187, to exclude from the application of the Act agreements with State, local, and tribal governments and the private sector with respect to environmental restoration and waste management activities of the Department of Defense and the Department of Energy.

Murray amendment No. 188, to require time limitations for Congressional Budget Office estimates.

Graham amendment No. 189, to change the effective date.

Harkin amendment No. 190, to express the sense of the Senate regarding the exclusion of Social Security from calculations required under a balanced budget amendment to the Constitution.

Bingaman amendment No. 194, to establish an application to provisions relating to or administrated by independent regulatory agencies.

Glenn amendment No. 195, to end the practice of unfunded Federal mandates on States and local governments and to ensure the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations.

Kempthorne amendment No. 196 (to amendment No. 190), to express the sense of the Senate that any legislation required to implement a balanced budget amendment to the U.S. Constitution shall specifically prevent Social Security benefits from being reduced or Social Security taxes from being increased to meet the balanced budget requirement.

Glenn amendment No. 197, to have the point of order lie at only two stages: (1) against the bill or joint resolution, as amended, just before final passage, and (2) against the bill or joint resolution as recommended by conference, if different from the bill or joint resolution as passed by the Senate.

McCain amendment No. 198, to modify the exemption for matter within the jurisdiction of the Committees on Appropriations.

Lautenberg amendment No. 199, to exclude from the application of the Act provisions limiting known human (group A) carcinogens defined by the Environmental Protection Agency.

Byrd amendment No. 200, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Boxer amendment No. 201, to provide for unreimbursed costs to States due to the imposition of enforceable duties on the States regarding illegal immigrants or the Federal Government's failure to fully enforce immigration laws.

Boxer amendment No. 202, to provide for the protection of the health of children, pregnant women, and the frail elderly.

Boxer amendment No. 203, to provide for the deterrence of child pornography, child abuse, and child labor laws.

Wellstone amendment No. 204, to define the term "direct savings" as it relates to Federal mandates.

Wellstone amendment No. 205, to provide that no point of order shall be raised where the appropriation of funds to the Congressional Budget Office, in the estimation of the Senate Committee on the Budget, is insufficient to allow the Director to reasonably carry out his responsibilities under this Act.

Grassley amendment No. 207, to express the sense of the Congress that Federal agencies should evaluate planned regulations, to provide for the consideration of the costs of regulations implementing unfunded Federal mandates, and to direct the Director to conduct a study of the 5-year estimates of the costs of existing unfunded Federal mandates.

Grassley amendment No. 208, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Kempthorne amendment No. 209, to provide an exemption for legislation that reauthorizes appropriations and does not cause a net increase in direct costs of mandates to States, local, and tribal governments.

Kempthorne amendment No. 210, to make technical corrections.

Kempthorne (for Dole) amendment No. 211, to make technical corrections.

Glenn amendment 212, clarify the baseline for determining the direct costs of reauthorized or revised mandates, and to clarify that laws and regulations that establish an enforceable duty may be considered mandates.

Byrd modified amendment No. 213, to provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate.

Gramm amendment No. 215, to require that each conference report that includes any Federal mandate, be accompanied by a report by the Director of the Congressional Budget Office on the cost of the Federal mandate.

Gramm amendment No. 216, to require an affirmative vote of three-fifths of the Members to waive the requirement of a published statement on the direct costs of Federal mandates.

Byrd amendment No. 217, to exclude the application of a Federal intergovernmental mandate point of order employer-related legislation.

Levin amendment No. 218, in the nature of a substitute.

Levin amendment No. 219, to establish that estimates required on Federal intergovernmental mandates shall be for no more than ten years beyond the effective date of the mandate.

Brown amendment No. 220, to express the sense of the Senate that the appropriate committees should review the implementation of the Act.

Brown-Hatch amendment No. 221, to limit the restriction on judicial review.

Roth amendment No. 222, to establish the effective date of January 1, 1996, of title I, and make it apply to measures reported, amendments and motions offered, and conference reports.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I notice that the managers are not present. I know the Senator from Minnesota is present to offer an amendment. But since the managers are not present, I ask unanimous consent to speak as if in morning business for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

BALANCED BUDGET AMENDMENT

Mr. DORGAN. Mr. President, I recognize that the Senator from Minnesota would like to offer an amendment that I think is actually related to the discussion just held on the floor of the Senate, as soon as the floor managers are here.

The Senator from Idaho, a friend of mine, has, along with his colleagues, been discussing an issue for the past hour that is very important for this country, the issue of a constitutional amendment to balance the budget. He knows and understands that there is not necessarily a partisan difference on that subject in the Senate. Many of us, myself included, have voted in the past for a constitutional amendment to balance the budget and are prepared to do so again.

I think most people believe that it would be desirable to move this country toward a point when we are spending only the resources we have. There may need to be some exceptions to that. If you run into a depression, you might want to have a stimulative kind of fiscal policy. But generally speaking, we ought to balance what we spend with what we raise. We are nearing $5 trillion in debt. I have a couple of children who will inherit that debt, as will all of America's children. We have a responsibility, it seems to me, to address this question and address it in the right way.

I do want to talk a little about the nuance of the discussion. Some have been suggesting that Federal spending is out of control because there are folks who swagger over to the Chambers of the House and the Senate and propose wildly irresponsible spending schemes and programs for which they have no idea where the resources will come. The Senator from Idaho and others know, of course, that this is not the case. And I am not saying that the Senator suggested that. I am saying that people who understand the system know that what is causing these substantial run-ups in the deficit are——

Mr. CRAIG. Will the Senator yield for a moment?

Mr. DORGAN. Retirement programs and health care programs, Medicare and Medicaid. Each year more people become eligible for Medicare because they have reached the age of 65. Each year, Medicare becomes more expensive and so does Medicaid. So each year these programs grow in cost without anyone having done anything to increase their costs. I am happy to yield at this point.

Mr. CRAIG. Very briefly. I thank my colleague for engaging in this issue this morning. I will say that clearly the balanced budget amendment is a bipartisan issue. I have always appreciated the support of my colleague in this issue. It must be bipartisan. This is a national debate that involves all partisan interests. I thank my colleague for coming to the floor this morning and making that very important point.

Mr. DORGAN. I appreciate the Senator's comments. I want to make this point again and again. It is not a basket full of new and irresponsible Federal programs, being offered by Members of either side of the political aisle, that are causing this problem. The cause is entitlement programs, whose costs increase very substantially year after year and therefore claim an increasing amount of money out of the Federal budget and run-up the Federal deficit.

The question for those who want to address this, whether in the Constitution or through a statute, is: Exactly how do you do it? What do you choose to cut? What do you keep and what do you get rid of? We could change the Constitution 2 minutes from now, if procedures would allow it, and it would not make a one-penny change in the Federal deficit. Two minutes from now, we could change the Constitution to read that, from this moment forward, there would not be a one-cent increase in the Federal deficit, and yet this would not reduce the deficit by one penny. Why? Because changing the Constitution does not solve the problem. Changing the Federal budget is what solves the problem.

I have seen the sunny side of this little thing called the budget fracas. It came to us from Art Laffer and a bunch of folks in the early eighties. These folks believe that you can double defense spending and cut the revenue base and there would be nirvana around the corner, and the budget would be balanced. We have heard that. That was about $3.5 trillion ago. Of course, it was preposterous when it was proposed and when it was implemented. They saddled this country with an enormous debt. Supply side economics they called it. Some have said that is where the other side gets all the supplies. But it is a little more complicated than that. Now we have some who are saying again let us increase defense spending, cut taxes again, and let us change the U.S. Constitution to require a balanced budget.

Well, I happen to support a constitutional provision requiring a balanced budget. I did not come to Congress thinking I would support this, but that was about $3.5 trillion ago. I would support virtually anything requiring that there be a sober and serious solution to this problem because, frankly, I think this fiscal policy very much limits our country's opportunities in the future.

Two years ago, we had a vote here in Congress on a budget bill. It was a terrible vote. People talk about politicians not caring and not being connected, not having any courage. The vote was "shall we increase some taxes?" That was unpopular. And the vote was "Shall we cut some spending?" That was unpopular. "Shall we do that in a significant combination to reduce the Federal deficit?" Enough

people in this Chamber—by one—voted yes to pass the deficit reduction bill. There was a one-vote margin here and a one-vote margin in the other body. I regret to say that not one Member of the Republican side voted with us on that bill. It was not an easy vote. It was an awful vote. If one were just going to be a politician, one would say, "Count me out, I am not going to cast a tough vote. This increases taxes and cuts spending. Count me out. I am not involved in this." But enough people voted yes to say we are willing to do this. It might not be popular or the political thing, but we are willing to do it for the benefit of this country.

When we pass—and I think we will—a constitutional amendment to balance the budget, the question becomes even more intense. How do you, with a specific series of changes in taxes and in spending, reach a balanced budget by the year 2002? I voted for, and intend to vote for again, a constitutional amendment to balance the budget. But I would say this: When we have people who propose a constitutional amendment to balance the budget and at the same time say increase defense spending and cut the revenue base, I say they need to spell it out. We understand that this is the point on the map you want to get to. I want to find out the route, especially if you are going to stop near the bridge of "increased defense spending" and go down the hollow called "a cut in taxes." How do you reach that destination in the year 2002? I think the American people want to know that, as well.

Are you going to cut Social Security? Not with my support. Why? Social Security is paid for by every single person in this country who works and by everyone who employs the people who work. This money is taken from paychecks and put into a very specific account, a trust fund. We have said that we are going to take this amount from your paycheck and put it into a trust fund so that it will be safe for the future. This problem is a solemn one, a compact among those who work and those who retire and the system that funds it.

Are we going to raid the trust funds to balance this budget? Not with my vote. Not one cent of this deficit is caused by Social Security. This year, a $70 billion surplus will occur in the Social Security trust fund. We will have collected, in other words, $70 billion more in the Social Security System than we will have paid out. Can anybody reasonably claim that Social Security has caused this problem? So when the constitutional amendment to balance the budget comes up, we will have an amendment that says you will not balance the budget by raiding the Social Security trust funds. This program has not caused one cent of the deficit, and we will not allow a raid of the trust funds to accomplish the goal of this amendment.

Second, we say we have a right to know what route you will take to reach a balanced budget. There is a special right to know, and it seems to me an obligation on the part of those saying we want to increase one of the largest areas of public spending and cut the revenue base to tell us how they plan to get there. Show us a 7-year budget and tell us the result. Then we and the American people and the States and local governments know what the plan is. Share with us the plan. That is the issue.

I have mentioned Social Security. Does one get to a balanced budget by cutting Social Security? Not with my support. It does not cause this problem.

Does one get there by cutting defense? No. A large number in this Chamber now say they want to increase defense spending. That is one of the largest areas of spending in the Federal Government.

Well, if not defense, then what? Interest on the debt? No, we pay interest on the debt. There is no way of avoiding it. And the folks on the Federal Reserve Board, meeting in secret, have increased the interest rate six times and are set to do so again. There is not much we can do about that. Interest on the debt is another of the largest areas of public spending.

How about Medicaid and Medicare? There is considerable support for Medicaid and Medicare.

And for health care, are the requirements for these programs any less this year than last year? Hardly. Health care costs are going up, not down. So are we going to cut health care spending? If so, how? How do you do that when health care costs are rising, more people are becoming eligible for Federal health programs, more people are growing older, America is graying?

Or, I guess, if that is the plan, then tell us who is not going to get the health care that was promised? If that is part of the plan, let us hear it.

Medicaid. Forty million people live in poverty in this country. Which poor people are going to be denied access to health care?

Interestingly enough, health care costs are increasing. Yet we do not address the causes for the increases in health care costs. If we do not do this, in my judgment we do not have a chance to deal with this budget deficit problem.

What about veterans issues. Do you propose that we cut veterans' compensation, veterans' hospitals? I do not think so. I do not think somebody is going to say that those soldiers who put their lives on the line for this country will now have to discover that the promises this country made to them will not be kept. I do not think that is going to be the case.

So I guess the question is not with respect to intent; the intent around here is wonderful. And I am going to join those who intend to do this, and I will vote for a constitutional amendment to balance the budget, but with two caveats.

One, I am not going to let anybody under any circumstance raid the Social Security trust fund to do it because the Social Security trust fund is a solemn compact between generations and has not caused one penny of this deficit. If that is the fight we have to have, that is the fight we are going to have.

Two, it seems to me—and I think the Senator from Minnesota has an amendment on this issue coming up next on this floor—that there is an obligation—especially given the circumstances these days of saying we want to increase spending on one hand and cut the revenue base on the other, while saying we want a constitutional amendment to balance the budget—to tell us how that is achieved. The American people and State and local governments should be able to make judgments: Does this make sense? What will this do to us? What does it mean to our revenue base out in the States? What programs will we have to assume? What programs will people do without?

Having said all that, a lot of strange things go on. All of us know that. This is reform time, and when you deal with reform, there are a lot of nutty ideas bouncing all over the walls. There are also some timeless truths in this country. One of the timeless truths for me as a public servant is that we want to help people who need help in this country, to provide opportunity and hope. In this country, a lot of people who do well and who will do better next year have opportunities, wonderful opportunities. But we have a lot of people who, through no fault of their own, find themselves in circumstances where we need to reach out a hand and help them up.

There ought not to be a board of values in this country as we discuss what we do about all these issues. We ought to understand that one reason for our country's success has been the largess in helping all of our people achieve the opportunities they can achieve with their God-given talents.

I mentioned some of the ideas floating around here. You know, several people say, "Well, we do not want to ever talk about taxes when we talk about fiscal policy, so let us talk about charging admission fees to the U.S. Capitol." That was a nutty idea from last week. Conservative think tanks up here say, "Let's charge the people of America," who own the U.S. Capitol, "an admission price to see the U.S. Capitol."

I might be old fashioned, I suppose, coming from a town of 400 people, to think you ought not to charge citizens an admission fee to enter a building they own.

We need to separate the nutty ideas from the decent ideas. And there are

some good reform ideas, some good ideas, but there are a lot of strange ones bouncing around here as well.

It seems to me that, as we try to separate the good ideas from the bad, we ought to try to figure out where we are and follow it down the line. Let us try to understand what it is that is necessary for our future, what we need to invest in order to achieve the kind of growth and opportunity we want.

But it seems to me that we should not, as we begin talking about the constitutional amendment to balance the budget, leave an impression that the Federal budget deficit has been caused by a bunch of folks trooping in that door and concocting a new program last March. That is not what has caused this. That is not what has caused this at all.

We have massive entitlement programs whose costs are linked to the Consumer Price Index and whose costs go up every year. We have a revenue base linked to changes in the Consumer Price Index so that revenues are kept down by that same indexation. So you have one indexing approach that moves costs up and another indexing approach that keeps revenues down. And the result is a mismatch that anybody taking arithmetic can understand very quickly.

The Senator from Idaho and others are absolutely correct that we share a goal. That goal is that this country ought to put its budget in order and it ought to do it soon.

I suppose one area of disagreement occurs when some say let us increase spending in one of the biggest budget items and then cut our revenue, but they do not believe they have an obligation to tell people how they will then get to a balanced budget 7 years from now. We disagree on that. There is, in my judgment, an obligation to tell the American people how they are going to achieve that.

So, Mr. President, I appreciate the opportunity to say a few words about this subject. I know some have spoken about it for an hour or so. We will have hour after hour after hour of debates, probably weeks of debate on this subject. It is very important. The American people want us to control our fiscal policy in a reasonable and responsible way. I intend to join in that effort. But I intend also to see that we do it in the right way.

Some say, "Well, you know, let us keep building Star Wars and let us cut out some critically needed investments" like education and training that I think are vital for achieving the full human potential in this country. I say, "I'm sorry. I don't share your goals. I do not share your priorities."

So those are the kinds of debates I think we will be having in the coming weeks. This will allow the American people to not only understand that we share a common goal of where we want to go, but also to recognize that we have some disagreements about how to get there. And that is politics. Someone once said, "When everyone in the room is thinking the same thing, no one is thinking very much."

There is going to be a lot of diversity of thought about how we reach the destination of a better fiscal policy so that we unsaddle the American children of the heavy burden of deficits they now have to assume.

I know that, as I said before, the Senator from Minnesota is now waiting and has an amendment that I think will follow this discussion in an appropriate way. So, with that, Mr. President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 185

Mr. WELLSTONE. Mr. President, I assume we are no longer in morning business.

I ask unanimous consent that the pending amendment be set aside and that the Senate resume consideration of amendment 185.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. WELLSTONE. Thank you, Mr. President.

I thank the Senator from North Dakota.

Mr. KEMPTHORNE. Will the Senator yield?

Mr. WELLSTONE. I am pleased to yield.

Mr. KEMPTHORNE. I appreciate the Senator's courtesy.

What I would like to do is offer a unanimous-consent agreement so we can then proceed with his amendment.

Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 185 and that there be 1 hour, equally divided, on the amendment, and following the conclusion or yielding back of time, the majority manager or his designee be recognized to make a motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. I thank the Senator from Minnesota very much.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, today we are considering S. 1, the unfunded mandates bill, a bill designed, as my good friend from Idaho, the main sponsor of this bill, has said repeatedly, to ensure that information is available to Members of Congress before they vote to impose a mandate on a State or local government.

As I understand the basic premise of this piece of legislation, which I will say to my colleague from Idaho I am very much in agreement with, it is really twofold. No. 1, we ought to be very clear about the kinds of mandates we are imposing on State and local governments and we ought to be accountable for our votes; No. 2, I think this piece of legislation is about the right to know. It is about the right to know both for Senators and Representatives and State and local government officials about a proposal's economic impact before we pass it.

Mr. President, I think that is good government reform. I have said that to my colleague from Idaho several times. I think it is good instinct. I think this instinct by the Senator from Idaho is on the mark, but I think it might be missing for some of our colleagues. In particular, I want to talk a little bit about this balanced budget amendment, and in particular I want to give some context by talking about some of the comments of the House Republican Leader ARMEY.

Mr. President, let me first of all be clear about the amendment that I have already sent to the desk that we are now considering. This is a sense of the Congress that the Congress should continue its progress at reducing the annual Federal deficit, and if the Congress proposes to the States a balanced budget amendment, it should accompany it with financial information on its impact on the budget of each of the States, so that States know what exactly the impact of this piece of legislation will be on them.

Let me begin at the beginning. This unfunded mandates bill operates on the premise that information should be available to Senators and Representatives and to State and local government officials about the financial impact of legislation we are proposing and attempting to pass.

Mr. President, I think that that is a very important standard for any piece of legislation. Mr. President, it is also true, operating on that premise, and that is what this amendment speaks to, that if we pass a balanced budget amendment we ought to be clear with States, and I want to talk about this really because it comes from Minnesota.

In that sense, I have a mandate from Minnesota today regarding what the impact of a balanced budget amendment would be on Minnesota or any other State. If we are not clear about where these cuts are going to take place and what the impact is going to be on our States, then what has been called the Contract With America becomes not a contract but a con. I mean, if there is a mood piece in the

country, it is that we should be honest, straightforward and direct with people, and not try to finesse people; tell them what we are doing and tell them what the impact of what we are doing will be on their lives.

Now, in the House, House Republican Leader ARMEY has said about the balanced budget amendment, "I am profoundly convinced that putting out the details would make passage virtually impossible. The details will not come out before passage. It's not possible." The Washington Post, January 7, 1995. Another quote: "Because the fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced budget, their knees will buckle," January 9, 1995, the Washington Post.

Mr. President, people in Minnesota and people in Vermont and people around the country did not send us here to sign on to any piece of legislation without being clear with them as to what the impact of that legislation will be on their lives. Let me repeat that one more time, because that is the premise of this amendment: People in Minnesota, people in Vermont, people in Ohio, did not send us here to pass legislation without understanding the implications of the legislation we pass on their lives. What will the impact be of a balanced budget amendment on Vermont, on Minnesota?

Mr. President, people in Minnesota want to know what passage of this balanced budget amendment will mean to them in personal terms. In fact, there is a considerable amount of apprehension in my State, and I think in every State. I have met with not just statewide officials, but local—county and city—officials from small towns in Minnesota, and people are worried that if we pass a balanced budget amendment but do not spell out where we will make the cuts or what the impact will be, then later on they will find that they may have to assume the costs.

For example, what would happen—and by the way, I will have figures that may spell out that this very well may happen—if we have cuts, the Senator from North Dakota spelled out the context, the $1.3 trillion cut. We are in a bidding war to raise the Pentagon budget; in another bidding war to cut taxes, taking some large programs off the table. We know where the cuts will be. So where will the additional funding be for our young people to go on to afford higher education? Who will assume the cost of nutrition programs for children? What about veterans programs? What about Medicaid-Medicare? And if a person lives in a State like Minnesota—I know the people in my State—we will not walk away from citizens who need some support so that they can become independent. Thus, we will end up having to pick up this cost.

The Governor from Vermont, Governor Dean, has made this same point. This could become one big shell game, transferring the costs back to State and local units of government, I fear, relying on the property tax.

Well, Mr. President, given this context, on January 12, about a week after I went home and met with legislative leadership and local officials, the Minnesota State Senate—and I would like for my colleagues to be very clear about this, because I think their State Senate may well do the same thing—passed a resolution urging the U.S. Congress to provide these details before sending the balanced budget amendment to the States for ratification.

This resolution reads, from Minnesota:

Resolved by the Legislature of the State of Minnesota That it urges the Congress of the United States to continue its progress at reducing the annual Federal deficit and, when the Congress proposes to the States a balanced budget amendment, to accompany it with financial information on its impact on the budget of the State of Minnesota for budget planning purposes.

This resolution was passed unanimously in the State Senate by Democrats and Republicans alike. This really does not have anything to do, as a matter of fact, with the position we take on a balanced budget amendment. The resolution then went—this was January 12—it then went to the House of Delegates and on January 17, the Minnesota House of Delegates also passed this resolution, I think, with only three dissenting votes. Then it went to the Governor and last Friday, January 20, Minnesota's Republican Governor signed the resolution.

Mr. President, from the State of Minnesota, I ask unanimous consent that this resolution be included as a part of the RECORD. And as the Senator from Minnesota, I am proud to send this resolution from the Minnesota State Legislature, signed by the Governor of Minnesota, to the U.S. Senate.

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

RESOLUTION NO. 1

Whereas, the 50 States, including the State of Minnesota, have long been required by their state constitutions to balance their state operating budgets; and

Whereas, the States have long done so by making difficult choices each budget session to insure that their expenditures do not exceed their revenues; and

Whereas, without a federal balanced budget, the deficit may continue to grow within the next ten years from $150 billion gross domestic product (GDP) per year to $400 billion GDP per year, continuing the serious negative impact on interest rates, available credit for consumers, and taxpayer obligations; and

Whereas, the Congress of the United States, in the last two years, has begun to reduce the annual federal deficit by making substantial reductions in federal spending; and

Whereas, achieving a balanced budget by the year 2002 will require continued reductions in the annual deficit, averaging almost 15 percent per year over the next seven years; and

Whereas, it now appears that the Congress is willing to impose on itself the same discipline that the States have long had to follow, by passing a balanced-budget amendment to the United States Constitution; and

Whereas, the Congress, in working to balance the federal budget, may impose on the States unfunded mandates that shift to the States responsibility for carrying out programs that the Congress can no longer afford; and

Whereas, the States will better be able to revise their own budgets if the Congress gives them fair warning of the revisions Congress will be making in the federal budget; and

Whereas, if the federal budget is to be brought into balance by the year 2002, major reductions in the annual deficit must continue without a break; and

Whereas, these major reductions will be more acceptable to the people if they are shown to be part of a realistic, long-term plan to balance the budget: Now, therefore, be it

Resolved, by the Legislature of the State of Minnesota, That it urges the Congress of the United States to continue its progress at reducing the annual federal deficit and, when the Congress proposes to the States a balanced-budget amendment, to accompany it with financial information on its impact on the budget of the State of minority for budget planning purposes. Be it

Further resolved, That the Secretary of State of Minnesota shall transmit copies of this memorial to the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, the presiding officers of both houses of the legislature of each of the other States in the Union, and to Minneosta's Senators and Representatives in Congress.

Mr. WELLSTONE. Mr. President, based on the Minnesota resolution, I therefore have offered this amendment to the unfunded mandates bill, a sense-of-the-Congress resolution that if the balanced budget amendment is sent to the States, it should be accompanied by financial information on the impact it will have on each State's budget. This is a very simple and straightforward amendment.

Mr. President, I cannot emphasize this enough. In my State of Minnesota, the thing that is being asked of Members, whether we are Democrats or Republicans, is: Please be clear and straightforward with the State and please spell out for the State the kind of cuts we will have to make within this balanced budget amendment mandate, and please spell out what the impact will be on our States.

We want to know which people are going to be affected by this. We want to know how much of this we are going to have to pick up through our own State budgets. Are we going to have to raise taxes? What kind of communities are going to be hurt? Let us know what the impact will be on our States. That is, if you will, the mandate that I take from the State of Minnesota to the floor of the Senate today.

Mr. President, obviously this balanced budget amendment—and I think

this was the meaning of Mr. ARMEY's quotes, is going to necessitate some deep cuts. In the words of House Judiciary Committee Chairman HYDE, once Social Security is taken off the table the "effect on other Federal programs will be Draconian."

I did not say this, the Chair of the Judiciary Committee in the House, Representative HYDE, said this: The "effect on other Federal programs will be Draconian."

I think that statement is an understatement. The arithmetic of this equation is harsh, as we know full well. That is why I believe too many of my colleagues are unwilling to be straightforward with the people we represent. We are going to raise the military budget, we are going to have more tax cuts, we clearly are not going to be cutting into Social Security. And we know what programs are left, we know the importance of those programs and we know the kind of cuts that are going to take place.

We are talking about aid to States for State and local law enforcement agencies. We are talking about highway maintenance and construction. We are talking about education. We are talking about college and small business loans. And we are talking about hungry children and the elderly.

Mr. President, let me just lay out some Treasury Department estimates for my State of Minnesota, and other Senators, I think, have this data as it pertains to their States.

The Treasury Department estimates that Minnesota will have to increase State taxes by 9.4 percent across the board to make up for the loss in grants. This is even before factoring in what would be the effect of additional offsets in cuts if we do a lot of tax cuts or we dramatically increase the Pentagon budget.

The loss of this grant assistance to the State of Minnesota would mean that in the year 2002, the Treasury Department estimates, we would have a loss of $679 million in Medicaid.

Mr. President, I remind my colleagues that half of Medicaid expenditures go into taking care of older people in nursing homes; $679 million less in Medicaid; $102 million less for highway trust fund grants; $83 million less in AFDC, and, by the way, Mr. President, because sometimes I think some of my colleagues do not understand it, aid to families with dependent children goes, by definition, mostly to children. We are talking about parents, often a single parent—almost always a woman—and children.

And $314 million cuts in funding for education, job training, the environment, housing and other areas.

The Department of Commerce estimates that Minnesota over 7 years, leading up to 2002 as potential impact: Education would lose $1.5 billion; environmental protection could lose $74.6 million; disease control and prevention would lose $9.8 million; Fish and Wildlife Service would lose $16.7 million, law enforcement would lose over $143 million.

Mr. President, children's defense fund estimates that the cuts in Minnesota in 2002 would result in the following, just in Minnesota:

Almost 30,000 babies, preschoolers and pregnant women would lose WIC nutrition supplements;

Over 51,000 children would lose food stamps; over 154,000 children would lose free or subsidized lunches; over 93,000 children would lose Medicaid health coverage.

Over 59,000 children would lose State child support agency help in establishing paternity or collecting child support; almost 38,000 children would lose welfare benefits; over 2,400 blind and disabled children would lose SSI, that is supplemental security income; 3,900 children would lose Federal child care subsidies; over 2,500 children would lose Head Start early childhood services; and 28,000 children would lose child and adult food care programs.

Mr. President, this is the point: I will not even preach about what all these statistics mean in personal terms. I will not even argue with my colleagues, if they are so inclined, over these figures. We do not know the exact figures, and that is what Minnesota has said in this resolution, passed unanimously by the House, passed almost unanimously by the Senate, signed by the Governor. I bring it here to the floor of the Senate, and this amendment that I have offered, which is this resolution from Minnesota, says if we pass the balanced budget amendment, then at least we ought to include with that balanced budget amendment a financial analysis of its impact on our States. This is a reasonable amendment.

Mr. President, I reserve the remainder of my time waiting for other colleagues who may want to respond.

Mr. KEMPTHORNE. Mr. President, I yield 10 minutes to the Senator from North Carolina.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Mr. President, I first want to comment on the amendment of the Senator from Minnesota. It seems to be an amendment with the primary purpose of stopping cutting and spending in this country. The balanced budget amendment and the unfunded mandates are closely tied.

We have not even passed the balanced budget amendment and yet we are saying what great damage it is going to do to the States. We are, in effect, planning the funeral during the birth. We need to wait and see.

For 30 years, that I am well aware of, we have passed law after law after law—this Congress has—that has had an irrevocable and permanently damaging effect upon the fiscal condition of the States, counties, and cities of this Nation. New taxes, new rules,and new mandates and not one time have we ever made a study, or I have even heard it suggested, that we let the States, the citizens of the counties know what we are going to do to them. For 30-plus years, we simply did it, and then it hit and they had to figure out a way to cover it.

There has not been a local budget that has really been accurate in this country in 30 years, because every year, particularly the counties have had to go back and increase taxes to take care of the mandates that we have placed on them.

Now, all of a sudden from the other side of the aisle, it becomes absolutely necessary that we do a definitive fiscal analysis of what effect this might have upon cities and counties and States.

Certainly we need to be sensitive and cognizant of what effect it might have on the cities and counties, but first let us get on with stopping spending instead of thinking of ways to keep on spending. We are going in debt at something like $800 million a day. We already have a $5 trillion debt, so let us get to what we ought to be doing and that is stopping spending.

The thing we have to do first is to cut the spending. If we will take the mandates off of the local governments, then they can handle their problems. They will know what to cut and what not to cut because they know. But the first thing we have to do is get rid of the mandates.

Now, I came to the Senate after 45 years in the private sector as a businessman and farmer. I watched and literally for the last 35 years not one time has the Congress convened and adjourned that they did not pass rules, regulations and laws making it more difficult to operate a business. The intent of these laws, we heard, was that they were going to help business, but not one single one of them ever did or has. They hurt people in the private sector.

I can think of no better example of this same rule going to the public sector than the mandates we have been dictating to State and local governments without providing any money to pay for them. The unfunded mandates have been a fiscal disaster for local governments. We simply tell them what the problem is and for them to find the money to cover the solution. It amounts to something that the Constitution says we cannot do, and that is for one branch of Government to levy a tax upon another. And we are doing it blatantly when we tell the counties of this Nation that they simply have to come up with this money and their only source of it is ad valorum taxes or local sales tax. We should not be telling them how and where and when to levy a tax.

In typical fashion, Federal Government bureaucrats and Congress think they have all wisdom of what should be done at the local level. The Federal Government and its bureaucrats think that the local government has come to Delphi, and they have the wisdom and will tell us what to do. All they have to do at the county level is pay the bills.

That is wrong, Mr. President.

A recent editorial described it pretty accurately:

> In recent years, as deficits have cramped Washington's style, legislators have taken to issuing commands to State and local governments. Those lower governments are forced to pick up the tab, while Federal legislators take credit for enlightened policy. (That means more spending.)

This severing of decisionmaking from the paying of the bill is what has gotten us the trouble we are in today, and it has invited undisciplined spending. It has encouraged the spending of money we do not have. It has encouraged entitlement programs that, if the Federal Government had to pay the total bill, would not be out there.

It burdens State and local governments, and it takes away the discretion of county commissioners, city councilmen and State legislators to decide where the money should be spent that they bring in in taxes, that they tax the people for. The decision has already been made in Washington.

In some of these counties it is absolutely ludicrous. I will take the county I live in, and if you will look at a lot of counties around the State you will see they are not a lot different. But I am going to take one federally mandated program in the county in which I have spent my life. This is Sampson County, a rural county in eastern North Carolina. The total ad valorem taxes collected in that county are, more or less, $10 million. This is the total county tax collection. Would you believe that the Medicaid Program for that county is $30 million a year, of which the county has to put up 5 percent? We have not had a budget in the last 10 years that we have not had to go back and adjust to pick up the increases in the cost of Medicaid.

Now, if you will look at the counties, in particular the more rural and agrarian counties, you will find this same pattern, that the total county ad valorum tax collection is often only half or even, as in our case, a third of what is the Medicaid program in the county and what is our percentage of these unfunded mandates.

Mr. WELLSTONE. Will the Senator yield?

Mr. FAIRCLOTH. This bill will fix the problem by requiring the Congressional Budget Office to estimate the costs to the lower governments before we pass prospective legislation.

Mr. WELLSTONE. Will the Senator yield for a question?

Mr. FAIRCLOTH. Yes.

Mr. WELLSTONE. I thank the Senator from North Carolina.

Mr. KEMPTHORNE. Will the Senator yield? Would the question be on the Senator's time?

Mr. WELLSTONE. No. But that is not why I asked the question.

Mr. KEMPTHORNE. I appreciate that.

The PRESIDING OFFICER. Does the Senator from North Carolina yield on his time? The Chair might advise the Senator he has less than 30 seconds.

Mr. FAIRCLOTH. When I finish, I will yield for the Senator's question.

Currently, the Congressional Budget Office estimates that 12 percent of all bills that Congress has passed since 1983, nearly 800, contain unfunded mandates with a cost per bill of the 800 of over $200 million.

It is long past time that those in the Congress—us, we—should take responsibility for these actions and stop issuing the mandates.

The PRESIDING OFFICER. The Chair would indicate that the Senator has used his 10 minutes. The Senator was yielded 10 minutes and that time has expired.

Mr. KEMPTHORNE. I would be happy to yield the Senator an additional 2 minutes so he can conclude his remarks and in that time if he wished to respond to the Senator from Minnesota. Two minutes.

The PRESIDING OFFICER. The Senator is further recognized.

Mr. FAIRCLOTH. Yes. I ask unanimous consent to be allowed 5 minutes additional time.

The PRESIDING OFFICER. Does the Senator from Idaho yield 5 minutes?

Mr. FAIRCLOTH. I will not need 5.

Mr. KEMPTHORNE. The Senator will yield 3 minutes.

Mr. FAIRCLOTH. Three minutes. Good enough.

The PRESIDING OFFICER. The Senator from North Carolina is recognized for 3 minutes.

Mr. FAIRCLOTH. Simply, we are writing these laws and sending them to the States COD. It is time we send them with the bills paid when we pass the law. The States are tired, the cities are tired, and the counties are broke paying for mandates that we send from here.

Mr. President, I do want to thank the Senator from Idaho [Mr. KEMPTHORNE] for the leadership he has taken in it. When he came to the Senate, it was one of the first things he talked about. He has followed it. He has followed it closely. I know that he served for many years as mayor of Boise, ID. He has firsthand knowledge of how it works, whatever goes on. And he has done an excellent job of presenting the bill to the floor and to the Senate, and for that I wish to thank him. I think it is fitting that he be the leader in ending an abuse that has gone on far too long.

Mr. President, I thank the Chair, and I will be glad to answer the question of the Senator from Minnesota, if he will speak loud enough so I can hear him.

Mr. WELLSTONE. Mr. President, I think the Senator has probably run out of his time so I will not ask him to yield. I will just comment very briefly.

The PRESIDING OFFICER. The Senator from Idaho has 17½ minutes remaining on his time.

Mr. KEMPTHORNE. Will the Senator from Minnesota allow me, then, to proceed with the next speaker so in your summary——

Mr. WELLSTONE. Mr. President, since the Senator from North Carolina no longer has any time to yield, I might just quickly respond. I will take 2 minutes. Then I will be pleased to reserve the rest of my time.

Mr. President, just very briefly, I appreciate what the Senator from North Carolina said. But I do want colleagues to know, who are about to vote on this, that this amendment does not say no to S. 1, to unfunded mandates. This amendment does not say no to a balanced budget amendment. This amendment, as a matter of fact, based upon the Minnesota resolution, memorializes Congress for continuing its work on Federal deficit reduction. The only thing this amendment says—and I do not think the Senator really responded to this amendment—was that if we pass a balanced budget amendment, we ought to accompany this with financial information on its impact on the budget of each of the States.

This came from Minnesota. It was passed unanimously by the Senate, Democrats and Republicans alike. It was passed almost unanimously in the House. It was signed by the Republican Governor.

It focuses on deficit reduction, but it says: Look, Federal Government, in the spirit of unfunded mandates, tell us what the impact is going to be on our States of a balanced budget amendment. That is all this amendment says. So I think the Senator from North Carolina had some interesting comments, but I do not think they spoke directly to this amendment.

I reserve the remainder of my time.

Mr. KEMPTHORNE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Idaho has 17 minutes and 17 seconds.

Mr. KEMPTHORNE. Mr. President, I will be happy to yield 5 minutes to the Senator from Illinois.

Mr. SIMON. Mr. President, it is rare that I differ with my colleague from Minnesota. He is one of those who has really brought compassion to this body and I have great respect for him. One of the best things that has happened in the U.S. Senate since I have been here is the election of PAUL WELLSTONE to the U.S. Senate.

I differ with him on this for two basic reasons.

No 1, the argument that is made against the balanced budget amendment by those who oppose it is that we

can do this, we can balance the budget, without a balanced budget amendment. Therefore, the pain inflicted would, in theory, be the same, whether we have the balanced budget amendment or whether we do not, with one exception. And that exception is this: Every econometric study shows if we pass the balanced budget amendment, we are going to have lower interest rates. If you have lower interest rates, you will have an easier time balancing the budget with a constitutional amendment. If you have lower interest rates, you are going to stimulate investment and employment; you are going to stimulate revenue for the Federal Government, for State and local governments. That is No. 1. So I think you cannot make an argument both that this is going to hurt and we can balance the budget without the constitutional amendment.

Second, we have to ask as we look at States and local governments, what will happen if we do not have a balanced budget amendment? You look at that GAO report of 1992—and it would be modified some, thanks to the vote of the Senator and mine in passing that budget in August 1993—but they say, in that report that if we follow the basic path we are on now that by the year 2020 their projection is, because of interest growth and entitlement growth, that social services would be cut by one-third and defense cut by two-thirds.

Frankly—my colleague from Minnesota has been around here long enough. I do not think that is the way the pie would be cut. I think it is much more likely that it would be closer to 50-50, on both sides. But that assumes—the GAO report assumes, optimistically—that we do not monetize the debt, that we do not just start the printing presses rolling.

The history of countries—and we may hope we will be an exception to this history—but the history of nations is, when you get around 9 percent of deficit versus GDP, except for a wartime situation, you start monetizing the debt. We are going to go beyond that.

I ask the Members of this body just to take a look at what happened in New York City. This was before my colleague from Minnesota was here as a Member of this body. New York City faced bankruptcy. New York City was rescued by the U.S. Government. But New York City had to cut its programs for poor people up to 47 percent.

There is no United States of America, no big umbrella, to rescue this country. We are one-fifth of the world's economy. If we go down the tube economically, there is nobody out there to rescue us. The International Monetary Fund cannot begin to deal with our problem. The International Monetary Fund, in the case of Mexico, is offering to help to the tune of about $2 or $3 billion in guarantees. They cannot go further than that.

So, though I have great respect for my colleague from Minnesota, I do believe this amendment should be defeated.

The PRESIDING OFFICER. Who yields time? The Senator from Minnesota is recognized.

Mr. WELLSTONE. I will yield a minute to myself to respond.

May I ask how much time I have left?

The PRESIDING OFFICER. The Senator from Minnesota has 10 minutes and 48 seconds.

Mr. WELLSTONE. I thank the Chair.

Mr. President, first of all, it is certainly rare the Senator from Illinois and I are in disagreement on an issue. I am hoping to persuade him to change his mind before the final vote because I want the Senator to know that, No. 1, when he talks about econometric models he is absolutely right; there are a variety of different variables, including factoring in the effect of lower interest rates, that would be included.

This is not an amendment against the balanced budget amendment. I mean, many State senators and representatives who signed this resolution, or voted for this resolution, are for it, I say to my colleague from Illinois. The only thing they are saying is, if or when—your choice—you pass a balanced budget amendment, please accompany it with a financial analysis so we can have some sense of what the impact will be on the States.

I say to my good colleague, that is where your econometric model would be figured in. We should do that. It is a matter of State and local government officials having the right to know—which is very much within the framework, I might say, of the unfunded mandates legislation.

And finally, I have to say this to my colleague, and this is our honest and profound disagreement: My colleague from Illinois is willing to make the difficult choices, which means he is not going to be involved in a bidding war to raise the Pentagon budget. He is not going to be involved in a bidding war for yet more tax cuts. He is not going to take everything off the table. And he is not just going to do deficit reduction according to the path of least resistance, focused on those citizens with the least amount of political clout.

But there is every reason in the world to believe that is precisely what we are going to do here and that is what people are worried about back in the States. That is what people in the States are worried about, and they want us to be clear with them. That is all this amendment says.

If we pass it, let us accompany it with a financial analysis of its impact on the States. That is from Minnesota, passed unanimously by the State Senate, passed almost unanimously by the House, and passed and signed into law by a Republican Governor. I do not think this is unreasonable.

So Senators should understand this is all they are voting on.

Mr. SIMON. If my colleague will yield?

Mr. WELLSTONE. If I may yield on the other side's time?

The PRESIDING OFFICER. Who yields time?

Mr. SIMON. May I have 1 minute?

Mr. KEMPTHORNE. Yes. I yield 1 minute to the Senator from Illinois.

Mr. SIMON. Just for 1 minute. I thank my colleague, and if this passes, if the balanced budget amendment passes—and I believe it will—then I think we have to at that point let State and local governments know, let everyone know what kind of a glidepath we are on. I do not think we need to do that prior to passage. I think that compounds the problems of passage—very candidly.

Mr. WELLSTONE. Mr. President, I will take my own time.

The PRESIDING OFFICER. The Senator from Minnesota.

MR. WELLSTONE. This amendment reads, after we pass it, we should do this. That is the way this amendment reads.

Mr. SIMON. If that is correct, then I withdraw my opposition.

Mr. WELLSTONE. Then we should do the analysis.

Mr. SIMON. Then I withdraw my opposition. In that case, I have no objection to the amendment. Once again, I am on the same side as my colleague from Minnesota.

Mr. KEMPTHORNE. Mr. President, I want to acknowledge and thank the Senator from Illinois, who certainly has been one of the leaders on the balanced budget amendment, and also two Senators that will now be speaking, the Senator from Utah [Mr. HATCH] and the Senator from Idaho [Mr. CRAIG], again leaders on this balanced budget amendment.

So I yield 5 minutes now to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, I cannot see a reason in the world why on legislation regarding unfunded mandates we should have an amendment like this or why we should spend 2 minutes on it.

We all know the balanced budget amendment is going to come up within days on the House floor and within a week on the Senate floor, that is if we ever get through this unfunded mandates bill. If we do not get through this legislation pretty quick, we will not get through the Mexican loan guarantee legislation with all its problems, which are very, very serious.

As I say, I am not sure why we are here debating this issue now. We are supposed to be passing a bill to provide relief to the States from unfunded

mandates. Everyone knows we are going to have ample time to debate the balanced budget amendment on the floor of the U.S. Senate, and we should not hold up this bill to debate an amendment like this.

The provision that the Senator would like us to have—I know he is sincere; I have watched the distinguished Senator from Minnesota for his whole Senate career, and I know he is sincere—but this amendment puts the cart before the horse. It puts the cart before the horse in two ways: First, in time since this debate should happen on the balanced budget amendment itself, not here; and second, this amendment cannot be complied with as it is written. The balanced budget amendment requires the Congress of the United States to work to balance the budget. It does not write a particular mix of cuts or taxes into the Constitution. It is for the Congress to work toward resolution of those particular issues and to set the priorities within the budget from year to year.

If we could get back to the business at hand and pass the unfunded mandates bill, it will give the States a measure of protection against Washington's mandates, and if the statutory route is insufficient, then the States may want us to pursue a constitutional amendment on unfunded mandates. But let us pass the unfunded mandates bill first. Let us get on to debate the passage of the balanced budget amendment and get the Nation's fiscal house in order by balancing the budget without first burdening or binding the States. We need to get on with it, but we need to do it in a reasonable order.

The problem—just to spend a minute or two on this amendment—and I note that the Senator is very sincere. What he would like in this sense-of-the-Congress amendment is that when Congress proposes to the States a balanced budget amendment—assuming a balanced budget amendment is passed through both Houses of Congress by the requisite two-thirds vote—then Congress must accompany it with financial information on the impact on the budget on each of the States.

I would point out that we have trouble even getting CBO and other budget baseline scoring mechanisms to give us sound and timely information on what we are doing, let alone having them analyze what each and every State in the Union has to do. Under this amendment, we would be spending all our time trying to understand a continually shifting set of State problems and how our budget might impact on them. I think we need to worry about how the Federal budget can be reduced between the time of the passage of the balanced budget amendment and the year 2002, if that is the effective date of the amendment. I do not want to get into a situation where we must also worry about the choices of each of the States, and we complicate passing the balanced budget amendment while attempting to get information like this that could cost us hundreds of millions of dollars to get.

Again, this amendment is just another unnecessary provision. The minute we pass the balanced budget amendment, this Congress will have to start working on coming up with a mechanism to get to a balanced budget. I might add not just the Congress; the President is going to have to work on coming up with the mechanism beyond the balanced budget amendment to bring us into fiscal balance by the year 2002. I have to tell you, nobody in Congress and the Congress as a whole will be able to do that without the leadership of the President of the United States. That has been the problem up to now. We have not had Presidential leadership to tell us what we have to do to balance the budget, short of increasing taxes.

Mr. WELLSTONE. Will the Senator yield?

Mr. HATCH. If I could just finish. The fact of the matter is this amendment would cloud the whole issue. It would require us to do continual budgetary analysis of State budgets—there are 50 of them; we cannot even handle the Federal budget—and thousands of Federal programs tailored to each State and how it impacts each State. We would have to put in place, before ratification, not only the budget for each year until 2002, which of course we cannot do because we cannot bind future Congresses, but we must analyze what we guess each of the 50 States would do in each of those years in response to our assumptions about what future Congresses would do. And since we cannot either bind future Congresses, nor should be attempt to tell the States how they should respond, we would have a continually shifting process, with continually changing information. We just do not have the capacity to comply with this amendment. And I do not know how we would ever get 535 Members of Congress to agree on all these forecasts of future Congressional actions and the responses of and effects on each of the 50 States.

Furthermore, this amendment assumes that the States, which are very capable, would be unable to do their own analysis and make its own decisions about its budget priorities and come to its own decision about ratification. I think the States should participate in the process of setting the national budget priorities, especially as it will affect their own freedom to set priorities for themselves.

Mr. President, this is the wrong way to proceed. We need to get the mechanism in place that will require Congress to balance the budget before we can balance the budget. And before that we cannot tell what a balanced budget would look like. We cannot tell the States what they should or may do in response to either the balanced budget amendment or a balanced Federal budget. This unfunded mandates bill that we are supposed to be debating has the purpose of curbing such Washingtonian imperialism. And finally, we cannot project what future Congresses will do. In fact we often cannot project very far into the future the effects of our present budgetary decisions. We cannot bind future Congresses to a particular budget. Nor should we. It is the right and duty of each Congress to set its own national priorities in the budget while complying with a balanced budget rule.

I hope this amendment is voted down. It is unnecessary and unwise, and adds an unnecessary cost to our society.

Mr. WELLSTONE. Will the Senator yield?

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. WELLSTONE. What I just heard the Senator say—and, by the way, it is part of the response to the discussion I had with the Senator from Illinois. What this amendment says, a sense of the Congress, coming right from Minnesota is that if we pass a balanced budget amendment, then before we send it to the States we ought to have for the States a financial analysis of the impact. What I am hearing the Senator say is it is too hard for us to do that.

So do you not think, I would say to my colleague from Utah, or my colleague from Idaho, or Ohio, or Georgia, our States have the right to know? Do you not think our States have the right, as Minnesota as a State, to say to us, "Look. After you pass this, if you pass it, before you send it to us, will you please give us an analysis of its impact on our States?" And now I hear the Senator from Utah saying it is too hard. We are talking about all sorts of amendments and all sorts of legislation in the unfunded mandates bill making sure that an analysis is done. We did not say it is too hard for that. We are talking about the right to know for our colleagues and for people back at the State and local communities. Now, when it comes to a huge decision we are going to make, we are saying it is too hard, that we cannot, after we pass this, let our States know what the impact of this legislation will be on that.

I find that to be an interesting argument. But I certainly hope my colleagues will not be swayed by it.

Mr. HATCH. Mr. President, will the Senator yield on that?

Mr. WELLSTONE. I would be pleased to yield on the time of the Senator from Utah, if I could.

Mr. GLENN. Mr. President, will the Senator yield to me 1 minute?

The PRESIDING OFFICER. Does the Senator from Idaho yield?

Mr. CRAIG. I yield 1 minute to the Senator from Utah for purposes of responding.

Mr. HATCH. Now, look. I guess there is nothing that is too hard if we have enough money and enough time and enough bodies and enough people and enough economists to do it. The question is, is it prudent, is it warranted, is it worth the cost? The fact of the matter is we cannot get CBO scoring the way we need to have it on time in order to do the things that we need to do in this body. Do we need to add to it a continually shifting set of State budgetary priorities, for each of 50 States, and have us be on top of every one of those priorities, and spend all the money to do that? No. What we have to do is get our own fiscal house in order. The States will adapt to it, each in its own way guided by the wisdom and needs of its own citizens. But I would add that we have to have Presidential and congressional leadership for us all to do so.

Finally, Mr. President, everybody knows that this type of amendment is for one purpose; that is, to undermine the balanced budget amendment. That is the sole and specific reason for it.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. WELLSTONE. I would be pleased to yield to the Senator from Ohio, but if I could just respond.

First of all, I do not want Senators to be able to vote on the basis of a dodge. This amendment in no way, shape, or form is opposed to the balanced budget amendment. Senators have different views on that. I can assure my colleague from Utah, my good friend, that the Minnesota House of Representatives and the Minnesota State Senate passed it by overwhelming votes and it was signed by a Republican Governor there. There is strong support by many of these colleagues, Democrats and Republicans alike, for a balanced budget amendment. The only thing they have said is, from our perspective in Minnesota, I think from the perspective in Utah and other States, how are we going to know whether or not to ratify this unless we know what the impact is going to be? If we are going to pass something that is so far reaching, it is our right to know. Can you not provide specific information? Can you not provide specific analysis? That is all this amendment says.

I yield 1 minute to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

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

I just say that I hope the same logic is used by the Senator from Utah when Senator GRASSLEY's amendment comes up because the interpretation of his amendment would mean we go back 21 years and require a study of all mandates—all mandates, period. It does not have a $50 million threshold to it, as I understand it.

It would be such an enormous study that we requested CBO to give us figures on how much it would cost them to do such a study, and they cannot give us an estimate right now. In other words, we are putting an unfunded mandate on CBO. He is concerned about CBO and I am, too, but I think the logic of what the Senator is trying to do should also be carried over to the consideration of Grassley, which would be an enormous study, beyond anything I would see proposed here.

Mr. WELLSTONE. I have not referenced CBO. I have said it is up to us in our Budget Committee to come up with an analysis.

Mr. CRAIG. I yield a few moments to the Senator from Utah to respond.

Mr. HATCH. Last year, at the height of one of the most important debates last year, the battle over health care, we could not get the economic analysis of just health care in sufficient time for our analysis, and that involved just the President's and one or two other health care programs. There were all kinds of other programs to be considered, but there was no time to get the full economic analysis. The fact of the matter is that what the Senator from Minnesota is asking for would cost an arm and a leg and would not get us closer to a balanced budget anyway—indeed it would place us further away because of the increased costs in performing the analysis.

I will look at Senator GRASSLEY's amendment, because I think we have to look at what these costs are. But, really, this type of an amendment does not have an efficacious effect. It is going to cost us. We do not have the facilities or the resources to do it. We have to determine here what we can do to reach a balanced budget by the year 2002. It is going to take time to do it and it is going to be costly in and of itself, without worrying about 50 States, and we should let future Congresses and each of the States make up its own mind about how it wishes to comply with a Federal rule of fiscal responsibility.

Mr. CRAIG. Mr. President, I yield 2 minutes to the Senator from Georgia.

Mr. COVERDELL. Mr. President, I thank my colleague from Idaho. I believe my good friend from Minnesota did not vote for the balanced budget amendment. I have to conclude that the essence of this amendment is to reinforce a message we heard last night from the President when he defined, in my judgment, his decision about the new Democrat and old Democrat, when he decided to oppose the balanced budget. He wanted things to stay the same in Washington.

He underscored his dispute with the balanced budget amendment by beginning to raise the specter of fear across the land, and began pointing to specific groups. This is but an extension of that context, to try to suggest to the States that there is something for them to fear about this Nation finally taking charge and putting in motion a discipline to govern its financial affairs.

That is what this amendment is designed to do—to suggest that there is something to be feared. I might say, following on the remarks of my good colleague from Utah, it goes beyond a question of the consumption of analysis as to how this would impact States. The point is that there is no way to determine what the judgments of future Congresses might—not even including all the august Members that are here—do in order to arrive at a balanced budget. This presupposes that you could suggest what is going to happen in the future, and you cannot.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CRAIG. Mr. President, let me conclude the time on our side by looking at what past Congresses have done when they proposed amendments to the Constitution.

What the Senator is suggesting in his amendment is that the first Congress would have been able to anticipate that in the first amendment we would have said that yelling "fire" in a crowded theater is against that amendment. But that is not what the first Congress said about the first amendment, because they did not know at the time. They did not understand, or they could not anticipate, what a court would suggest.

What this is saying is that in the second amendment we would have said it was intended to keep guns out of the hands of juveniles. That is not what our Founding Fathers said at the time. They did not know.

Or we could have said the fourth amendment required reading aspects of the Miranda rights into the decision. Or maybe we would have said, in a post-Civil War Congress, that we knew 100 years subsequent how we would anticipate all of the civil rights that would have come under the Constitution. No, I do not think that was intended, and I do not believe that any Congress can anticipate what a constitutional amendment will do beyond the clarity of the language of the Constitution itself, and that is that we will have a balanced budget amendment in a period of time.

Now it would then be the responsibility of Congresses following the enactment of an amendment as they begin to shift the priorities of Government, as they begin to downsize the rate of growth in Government, to turn to States and say: These kinds of impacts could occur. I think that would be the responsibility.

I hope the Senate will vote down this amendment in a tabling motion, because I do not believe it is possible for us to project 7 years out into the future what future Congresses might do and what impact it would have upon the States.

Mr. WELLSTONE. Mr. President, with all due respect to my colleagues that it is my joy to serve with, I think a lot of these arguments just miss the central point. I want all of my colleagues to be clear on what they are voting on.

This is not a sense-of-the-Congress amendment that says we should not pass a balanced budget amendment. They are not voting on that. This is not a sense-of-the-Congress amendment or sense-of-the-Senate amendment that says we should be voting against unfunded mandates at all. In fact, the unfunded mandates legislation says that senators and representatives in our State and local governments are entitled to information, entitled to a right to know before we pass legislation and do not tell them anything about the impact or come up with the money.

This amendment is a mandate from Minnesota, strong bipartisan support in a resolution that emphasized deficit reduction. Then it ended up saying:

> . . . *be it Resolved by the legislature of the State of Minnesota*, that it urges the Congress of the United States to continue its progress in reducing the annual Federal deficit, and when the Congress proposes the balanced budget amendment, to accompany it with financial information on the impact on the budget of the State of Minnesota.

My amendment says if we pass a balanced budget amendment before we send it to the States, which by definition would be after we pass it, we should do an analysis of its financial impact on our States. How can our States then make decisions about whether or not to ratify it unless we are willing to provide them with the information?

Mr. President, I am just amazed by some of the arguments that have been made on the floor of the Senate because they do not speak to the central issue.

I say to my colleagues that this vote on this amendment is all about accountability. This is all about being direct with people. It is all about responding to our States. It is all about the concern that people have, about where will $1.2 trillion or $1.3 trillion in cuts take us between now and 2002. What will be its effect on citizens in Minnesota, Idaho, Georgia, Utah, all across the country? Minnesota State legislators, Republicans and Democrats alike, and the Republican Governor, are bipartisan and have sent a resolution here. I translated that into an amendment. It is an eminently reasonable request that I think will come from all of our State legislatures and Governors, which is: If you pass the balanced budget amendment, then before you send it to the States, please do an economic analysis of it so we will know the impact on our States and on our people. Are we going to have to raise taxes at the State level? Is that what we are afraid to tell our colleagues at the State level? Are our local governments going to have to rely more on the property tax? Is this going to become the biggest unfunded mandate of all, where we just transfer costs back to State and local governments? Is that why we are unwilling to pass this amendment, a sense-of-the-Senate amendment, that we at least, before we send this to the States, have an accompanying financial analysis?

I hope that this amendment will attract strong bipartisan support. It is all about the rights of people back in our States to know what we are doing. It is all about accountability. It is all about good government. It is all about being direct and straightforward with people, and this amendment should pass by a huge vote in the U.S. Senate.

I yield the remainder of my time.

The PRESIDING OFFICER. All time has expired.

Mr. CRAIG. Mr. President, I move to table the amendment of the Senator from Minnesota, and ask for the yeas and nays.

The PRESIDING OFFICER. All time has expired.

The question is on the second-degree amendment numbered 186 of the Senator from Minnesota to the first-degree amendment No. 185.

Does the Senator from Idaho wish to table the first-degree amendment or the second-degree amendment?

Mr. CRAIG. I wish to table amendment No. 185.

The PRESIDING OFFICER. The motion is to table amendment No. 185.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Idaho [Mr. CRAIG] to table the amendment of the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER (Mr. COVERDELL). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 43 Leg.]

YEAS—54

Abraham	Gorton	McCain
Ashcroft	Gramm	McConnell
Bennett	Grams	Murkowski
Bond	Grassley	Nickles
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Simon
Coverdell	Jeffords	Smith
Craig	Kassebaum	Snowe
D'Amato	Kempthorne	Specter
DeWine	Kohl	Stevens
Dole	Kyl	Thomas
Domenici	Lott	Thompson
Faircloth	Lugar	Thurmond
Frist	Mack	Warner

NAYS—45

Akaka	Exon	Leahy
Baucus	Feingold	Levin
Biden	Feinstein	Lieberman
Bingaman	Ford	Mikulski
Boxer	Glenn	Moseley-Braun
Bradley	Graham	Moynihan
Breaux	Harkin	Murray
Bryan	Heflin	Nunn
Bumpers	Hollings	Pell
Byrd	Inouye	Pryor
Campbell	Johnston	Reid
Conrad	Kennedy	Robb
Daschle	Kerrey	Rockefeller
Dodd	Kerry	Sarbanes
Dorgan	Lautenberg	Wellstone

NOT VOTING—1

Simpson

So the motion to lay on the table the amendment (No. 185) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, let me state for the benefit of my colleagues, we do have a meeting at 2 o'clock today. Hopefully, everybody will come—Senators only, no staff—to talk about a number of things that affect us, not as Senators, as Republicans or Democrats, but as people who live around here.

I think during that period, we will not recess because I think there will be an amendment offered. But I want to point out, we still have 39 amendments. This is the 11th day and we still have 39 amendments to this bill. We are going to finish the bill this week, if it takes all day today until midnight, all day tomorrow until midnight, all day Friday, and all day Saturday. We are going to finish the bill this week.

So I hope that Members are prepared to offer amendments and give us time agreements, or not offer amendments. I cannot believe that every one of the 39 amendments, whether they are on this side of the aisle or that side of the aisle, needs to be offered. So we will finish this bill this week sometime. We may file cloture if we do not get some

action on some of the amendments. It is 12:15. We disposed of one little amendment. We have 39 left.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

Mr. GLENN. Mr. President, in response to the majority leader's comments, we are working very hard trying to get just as many lined up with time agreements as short as possible so we can move it along. I know the majority leader's desire to end this this week. We are certainly cooperating in that endeavor to that end. We are trying very hard to line things up just as fast as we can, to get them tailored with the shortest time agreement as possible. I think we are making some progress, and we will continue.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BAUCUS. I thank the Chair.

(The remarks of Mr. BAUCUS pertaining to the introduction of S. 274 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Chair recognizes the Senator from Idaho.

UNANIMOUS-CONSENT AGREEMENT

Mr. KEMPTHORNE. Mr. President, I will be very brief. I ask unanimous consent that at 1:30 p.m. the Senate turn to the consideration of amendment No. 202 by Senator BOXER and there be time for debate prior to a motion to table divided in the following fashion: 90 minutes under the control of Senator BOXER, 30 minutes under the control of Senator KEMPTHORNE. I further ask unanimous consent no amendments be in order to amendment No. 202, and that following the conclusion or yielding back of time, the majority manager or his designee be recognized to move to table amendment No. 202 and that upon the disposition of amendment No. 202 the Senate turn to the consideration of amendment No. 187.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Ohio.

ORDER OF PROCEDURE

Mr. GLENN. Mr. President, I ask unanimous consent to proceed as if in morning business.

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

THE PRESIDENT'S PERFORMANCE

Mr. GLENN. Mr. President, I will not direct my address to the President's speech last night. But I have been planning for some time to make a few remarks regarding the President's performance, with emphasis on the things that I think are important to the future of this country.

We get so bound up here in our considerations on the Senate floor, in our committee work, and in our speeches back home that I think we sometimes do not really sort out the wheat from the chaff and try at least in our mind's eye to go 10, 15, or 20 years in the future, and look back to see what was really important to the people that was passed by any administration. What has effect 15 years down the road for every family, every child, the elderly, the young —everyone in our whole society? What then should be relegated to trivial footnotes of history? It seems as though quite often we concentrate on things that in history's 20–20 hindsight will be but trivia, while in the future we will live with the important things that were passed in any administration. I think we need to consider the Clinton administration in that light.

The October 24 issue of Time magazine had a little graph that showed that this President, President Clinton, had passed and signed into law more of his stated agenda than any other President since Lyndon Johnson and before that back to Dwight Eisenhower. In other words, it was the most successful first 2 years—not quite 2 years, but the first 20 months—of accomplishing an announced agenda since President Dwight Eisenhower.

That is a proud record quite apart from all the trivia and all the ups and downs of charges against the President that I think will wind up as small print footnotes later, trivia, in history.

What we are talking about here is doing rather than talking. It seems to me people tend to ignore the record of what was done, what has been accomplished in this first 2 years. Too many on the other side keep talking about doing some of these things that are already under way, that are already being accomplished by this administration.

I can go through some examples of this. The economy has never been better. We have the lowest unemployment in 4 years, and the budget deficit has come down 3 years in a row. That is not something for the future. This is being done now with the economic policies of this administration. We remember the reconciliation vote in August of the first year of this President's tenure in office. There was not a single Republican vote, not one, that we could get here in the Senate to pass that reconciliation. In fact, the Vice President had to break the tie on that vote. There were dire predictions by some on the other side that there was going to be massive unemployment. In fact, all the other things that were brought up at that time that have not occurred. The economy remains in good shape. I repeat this is the first time we will have reduced the budget deficit since the administration of Harry Truman—3 years of reducing the budget deficit.

How about the size of Government? When this administration came in, we had a lot of publicity and talk about reinventing Government. But it was not all talk; a lot of things were also put into effect. Some 300 different programs have been cut in the last 2 years. We talk about reducing the size of Government, getting the Government down-sized. The objective stated last year was that within 3 years we would be able to reduce the size of the Federal work force by some 272,000 people. At that time, a lot of people clucked a little bit, put their tongue in their cheek and said, "We will believe it when we see it." Well, we are seeing it.

Right now, the current figure of reaching that goal of reducing the Federal work force by 272,000 is being accomplished. 98,000 people have already been cut from the Federal work force. Along with those cuts—and I worked with the administration on this as chairman of the Governmental Affairs Committee—has come something else. Formerly, the Federal work force was all skewed to bosses and there was not enough employees in many departments and agencies. In other words, the boss-to-employee ratio was not what it is in private business, academia, or anywhere. In businesses across the country, the ratio of managers to employees is 1 to 12 or 1 to 15. The Federal Government has drifted over the years to a point where it is top heavy. We have about a 1-to-7 manager-to-employee ratio.

At the same time we are down-sizing by 272,000, how do we manage to adjust the manager-to-employee ratio? We put in buyout legislation along with early retirements. This encourages the GS—the civil service ratings—GS–13's, 14's, and 15's, who are basically the managers, to get out. So we are simultaneously down-sizing and correcting this imbalance that is very wasteful and adjusting it back to a better ratio that will compare favorably with what is done in private industry and private business. We do not hear that mentioned very often. When we get cut down to the 272,000 level, we will have the lowest Federal employment since John F. Kennedy was President.

What other things have been done during the first 2 years of this administration? With the administration's support, the Congress put through a family leave bill. Everybody talks about making a more family-friendly administration here in Washington, a more family-friendly Nation. What could be more family friendly, I ask you, than

allowing employees to have time off when there is a bereavement in the family, when somebody is sick, or when there is a birth in the family? These are times when a person's attention should flow to the family and be concentrated on the family.

Once again, there were all sorts of dire predictions of what would happen if we passed this legislation. So there was one exemption put in that said if you have key employees, and taking those key employees out for family leave would hurt the business, they were exempted. But the regular rung of employees in a company that can be filled in for on a temporary basis, they would have the right to help take care of their families if there is sickness, or a mother or father needs help, or if a child is ill, or whatever.

This administration is expanding Head Start. We now have an extra 200,000 young people in this country that have access to the benefits of the Head Start Program. Last evening the President talked about his National Service Program. This program is a helping hand. It is a program where people are doing constructive things for their community and reaping some benefit for it. I have talked to some of those people and they are proud of what they are doing under these Government programs.

I submit that, once again, going into the future some 15 or 20 years, we will look back and many of those people will be in productive work because of the opportunity they were given at this time. I would be very surprised, if we took that view in the future and actually determined the past cost, if this program had not been something of benefit for the Government. Those people will be so much more productive. They will be paying taxes and will be productive citizens. Even more important will be the fact that their lives have been enriched, and they will be participating citizens in the future of this country. What can be more important than that?

In another area, the college loan program has been expanded. The potential is there for some 20 million people to have the advantage of a college education over the next few years.

For communities, there is a community development bank that has been provided. These are not things where we are just talking about it as though we had to do something in the future; these are things actually being done. They are being accomplished now. They are accomplishments of the first 2 years of this administration. These are not pie-in-the-sky things. These are things where the new administration made these proposals, worked with Congress, and we got them through.

I think the news media concentrate on the trivia of history to the exclusion of some of the good things that have gotten through for which the President should get due credit as accomplishments achieved during the administration's first couple of years. Yet, too often we find the other side talking as though nothing has been done in these areas.

We want to cut the size of Government. It is being done, my friends. It is being done now—and ahead of schedule. There has been a 98,000 reduction in the Federal work force already, but 272,000 was the goal, and that is coming.

Have we gotten everything done? Not by a long shot. We are just seeing the beginning of GATT. I have not mentioned that. International trade is now being addressed. This is controversial. We have a lot of people in my State of Ohio, and some were for GATT and some were against GATT. I submit that we have moved into such an economic situation in the world that had we not finally terminated negotiations and gotten an agreement on GATT, we would have placed ourselves at a great disadvantage down the road.

To give an example of what I am talking about, if we went back to a New England village 100 years ago or so, it probably made very little difference whether anyone came through that village from one year to the next. The buggy-maker was on one corner, the cobbler or the shoemaker was over on another corner, most people had a garden out behind the house, and there were vegetables grown out in the valley. It was basically a self-sufficient community that took care of itself. People took care of people; the community took care of its local community. Now, what happened? Then we developed out of that village, and the cobbler, in effect, became all of New England and parts of the South. The buggy-maker became Detroit, and the Imperial Valley in California became the supplier for the whole Nation, as our means of shipping were expanded. Then we developed even further, and what happened? The buggy-maker that was in Detroit became 30 percent Japanese, and the cobbler became Korea and Italy, and our food was sent all over the world, with hundreds of millions of tons being shipped everywhere.

In other words, we became, whether we like it or not, a worldwide community. And the question is, are we going to move into GATT and participate and be the competitive Americans that we have always been, or are we going to ask for protection in a world that is moving toward international relationships?

I think it is to the President's credit that he moved us into GATT. GATT was not something that was supported by just this President alone, but he brought it to its final culmination, and we got it through. GATT had been going on over the last two Republican administrations. It has been negotiated over a lengthy period of time. But it was brought to fruition, and now we have this agreement that I think will be a pattern, not perfect, that we can follow into the future.

Now, have we accomplished everything that needs to be accomplished? Certainly not. There was a lot that did not get done in the first 2 years. Certainly health care is one that always comes up about what a great failure it was. Well, I think, in looking back on what happened here, the concentration on health care last year was not all a disaster, for this reason:

For the first time we had a concentrated debate, concentrated attention on health care reform. Because of the efforts of the President and the First Lady, there was attention focused on health care all through last year. Maybe it excluded some other things.

But was it a total loss? No; I do not think it was. Because what happened was the health care community, the health care providers, those in the health care industry, took a new look at themselves. They took a new look at themselves and said, maybe we can do better, and felt that they should do better or something was going to happen to them.

So we find HMO's being formed and we find hospitals cooperating for the first time with other hospitals, not just in competition but working together to see whether they cannot share equipment and cut costs down. We find doctors' groups moving to HMO's. We find all sorts of things going on in the medical industry, the health provider industry, that are good, largely as a result of the concentration on health care during the past year.

I do not want to be a Pollyanna about this and say that we solved our health care problems. Far from it. We have yet to address many problems, and they are still out there waiting to be addressed, because we have many millions of Americans that do not have health care insurance yet. But I would say that the costs are beginning to level off a little bit from what some of the predictions indicated because of the attention that was put on the industry last year and because of the action they have taken to try to reduce health care costs. So that is one that we have yet to deal with.

There are environmental concerns that we have not yet addressed. Last night, the President spoke of several other issues that have not been addressed such as lobbying reform, political reform and campaign finance reform.

There are two other issues that we are in the process of addressing. One of the two other objectives set early on in the administration was congressional compliance with the laws that apply to everyone. We voted that out of here. It went to the White House and the signing was just the day before yesterday. I participated in that signing. This legislation is something that I have

pushed on the Senate floor since 1978 and it has taken all this time to get it through. Senator GRASSLEY and Senator LIEBERMAN took the lead in drafting this legislation through our Committee on Governmental Affairs last year and we almost had it through last fall.

Those who would somehow seem to eliminate all past considerations as though this legislation was something brand new that was passed just because there was a change of political leadership in the Congress have not looked back to see the long history of what has happened in getting to the point where we are now. Had there not been some of the delays occasioned in the last 10 weeks of the past session, where nothing was being let through, we probably would have had congressional coverage legislation last fall.

I would say the same with unfunded mandates, the bill that is on the floor right now. Unfunded mandates is another one that my colleague Senator KEMPTHORNE from Idaho has taken a lead on. I have worked with him on this. We had a bill through committee last fall, S. 993, but, once again, because of the delays, we could not get it on the floor. We even finally tried to do it by unanimous consent. We could not do that last fall in the last few days of the session, so that did not get passed. So we are addressing that now.

This legislation also has a long history over the last couple of years of being addressed under the leadership of the distinguished Senator from Idaho. And he has done a great job. It has been an honor for me to work with him on this legislation. We remain as committed as ever to getting it passed. We are involved now in some of the difficulties in getting it through.

There were delays in committee. We were not permitted to bring up amendments in committee, so we are trying to address those amendments here on the floor right now to correct some discrepancies in the bill and to make the bill better and workable. So we will work through this.

But I wanted to take this opportunity, since there were some comments made about the President's speech last night, to make these few remarks here today on the floor about the accomplishments of the first 2 years of this administration. I personally think the President can be very proud of these first 2 years.

As I started off saying, Time magazine in the October 24 issue showed a bar chart of accomplishments of the announced agenda of Presidents going clear back to Dwight Eisenhower, since World War II. This President has the best record of getting through what he said he would do since Lyndon Johnson, who came in on the heels of the Kennedy assassination, had a great wave of support at that time, and going beyond that back to Dwight Eisenhower, who was trying to reform things after World War II and had the support of the people in that effort.

So I think this is a Presidency in which we can be proud of its accomplishments. Did the administration accomplish everything they wanted? No, certainly not. There was a mammoth effort on health care last year that did not result in everything they wanted, and we still have to deal with that.

But I wanted to set the record straight on what I think will be in the mind's eye, looking back 20 years from now or 15 years from now, as to what is affecting my family, your family, our children, our mothers and fathers, and so on. What, in this first 2 years, will be the important things that are affecting lives across this country? And if we look at it from that vantage point in the years to come, it seems to me that we will be living with a lot of very, very important things. We will have had a stable economy during this time; we will have had a new relationship in trade that we can expand; the crime bill—I did not mention that; that is one that affects us everywhere we live—family leave, Head Start, national service. These are programs that are good. They are programs that I have been glad to be a part of helping put through here in the Congress.

Mr. President, I believe we are ready to move on some other items here. I yield the floor.

Mr. President, I had asked that we go into morning business. I ask that we return to regular order.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LEVIN. Mr. President, I was going to call up amendment No. 173. It was my understanding that the managers of the bill were prepared to accept this amendment, and now I am not certain if that is true. Since that uncertainty exists, I will withhold asking to move to consideration of this amendment, and I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, the distinguished Senator from Ohio, Mr. GLENN, has been making some comments with reference to the President's State of the Union Message, I believe.

Mr. President, has Pastore rule run its course?

The PRESIDING OFFICER. The Chair advises the Pastore rule will expire at 1:30, beginning at 10:30 this morning.

Mr. BYRD. Mr. President, I ask unanimous consent that I may speak out of order.

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

CONSTITUTIONAL AMENDMENT TO BALANCE THE BUDGET

Mr. BYRD. Mr. President, I listened to a goodly number of our colleagues earlier today as they came to the floor to speak about the constitutional amendment on the balanced budget. I was glad to see the President last night give some time to that subject matter. I was glad that he stated that the proponents of a constitutional amendment to balance the budget have a responsibility to let the American people know up front the details as to just how the proponents propose to achieve that balanced budget over the next 7 years.

I listened to my friends with a great deal of interest this morning on the floor, and I just have a few comments to make in regard to this subject. Many colleagues who support such a constitutional amendment are sincere in their belief that such an amendment is the answer to our budget deficits and is necessary to impose discipline on ourselves. I do not quarrel with their sincerity. They have a right to their viewpoints just as I have a right to mine.

I heard it said earlier today that Members of the House and Senate should show courage by voting for a constitutional amendment. Mr. President, courage is not needed to vote for a constitutional amendment to balance the budget. Courage is needed to oppose the constitutional amendment to balance the budget. We read public polls that 80 percent of the American people support a constitutional amendment to balance the budget. Courage is not needed to vote for something that the polls say 80 percent of the people want. Courage is needed to take the time to try to convince the American people that they are being misled. So those of us who vote against a constitutional amendment to balance the budget are swimming upstream, and going against the grain.

I believe it was Talleyrand who said, "There is more wisdom in public opinion than is to be found in Napoleon, Voltaire, or all the ministers of state present and to come."

I subscribe to that view. There is more wisdom in the people, but the people have to be informed in order to reach considered and wise judgments. The people have to be correctly informed if they are to form wise opinions. They also have a responsibility to do what they can to inform themselves.

It does not take courage, Mr. President, to vote for this constitutional amendment on the balanced budget. It just takes a politician's view of what is best for him or her politically at the moment. I urge Senators to show courage in taking the time to debate this

matter fully and voting against a constitutional amendment on the balanced budget, at least until the proponents show Senators what is involved here—what is in this poke, along with the pig.

I hear it repeated over and over again that we need a constitutional amendment to balance the budget, so that we will be forced to discipline ourselves. Mr. President, no constitutional amendment can give us the political spine to make the hard choices necessary to balance the budget. Constitutional amendments cannot impose spine or courage or principle where those things may be lacking to begin with.

We do not need a constitutional amendment. If the proponents of a constitutional amendment have two-thirds of the votes in the House and Senate, and I would say they are very close to that, I would say they would need 67 votes in the Senate and 290 votes in the House. If they have 67 votes in the Senate and 290 votes in the House for a constitutional amendment, they can pass any bill, now. It only takes a majority to pass a bill. If all Senators are here, it only takes 51 Senators to pass a bill, and only a majority of the House to pass a bill. So if the votes are in both Houses to adopt a constitutional amendment to balance the budget, the votes are here to produce simple majorities to pass bills and resolutions that will get the job done now. We do not have to wait 7 years.

In the final analysis, the discipline that is needed now will still be needed 7 years from now if this amendment goes into effect. That constitutional amendment will not cut one program nor will it raise taxes by one copper penny. In my judgment it will have to be a combination of both in order to deal with the extremely serious problem of balancing the budget.

The responsibility of balancing the budget 7 years from now will rest where it rests now: With the President of the United States and with the Members of the House and the Senate. If we lack the discipline now we are not likely to have much more spine, if any, 7 years from now. It will come right back here. Of course, many of those who vote for a constitutional amendment to balance budget today probably will not be around, some of us, in the House and Senate, 7 years from now.

Mr. President, an immense hoax—that is what this is, in my judgment, a colossal hoax. It is supported by a lot of well-intentioned, well-meaning people. But in the final analysis, that is what it will prove to have been—a hoax. It is about to be perpetrated on the public at large.

It is this Senator's hope that the people will get quickly about the business of informing themselves of the ramifications of the so-called balanced budget amendment before it is too late. In my opinion, the American people could do themselves no better favor than to become very intimately involved as fast as they can with the details. And they should insist on their representatives in these two bodies to give them the details, and the probable impact of this proposal.

For almost every benefit being claimed by the proponents of this ill-conceived idea, the exact opposite of the bogus claim is, in fact, the truth. For example, the proponents claim that the balanced budget amendment will remove the burdening of debt from our children and leave them with a brighter future. This balanced budget amendment will do nothing of itself. The amendment would do nothing of the kind that is being stated. Even if we were somehow able instantly to be able to bring the current budget into balance, our children, our grandchildren, and their children would still be in debt and they would still be paying interest on that debt. Bringing the budget into balance so that there is no deficit this year or next year, or the next year, is child's play compared with wiping out this Nation's $4.6 trillion national debt.

What we pay interest on is our debt. The people should be made aware that the deficit is not the debt. The debt is an accumulation of the deficits built up over a period of years. A constitutional amendment does absolutely nothing about retiring the national debt.

The American people are being told that by passing a constitutional amendment, we will somehow be relieving generations to come of the obligations to pay for the debt of past generations. Well, until the day that the national debt is completely retired, there will still be interest that has to be paid, and then there will be the principal, which future generations will have to eliminate.

That is not to say that getting our deficits down is not important. It is. And we went down that track in 1990 when, under President Bush, we met at the so-called budget summit and a Republican President, President Bush, and the Democratic Congress, made up of both Houses, not just one, enacted legislation to reduce the deficit over a period of 5 years.

The same thing happened again in 1993. President Clinton and a Democratic Congress passed a reconciliation measure which laid out a 5-year glidepath to bring down the deficits, and the deficits are coming down.

That was a tough bill to vote for. Not one of our Republican friends on the Senate side—not one—not one of those who are proposing today that we have a balanced budget amendment to the Constitution, not one voted for that bill in 1993, and I believe I am correct in saying that not a single Republican in the House voted for that package. I could be wrong in that. But not one vote came for that bill from the other side of the aisle. There was an opportunity for courage. Why was it not demonstrated then by the proponents on the other side of the aisle?

There was some pain in that package—some increased taxes, some cuts in programs. We are operating right today with a freeze on discretionary spending. We are operating below a freeze in our discretionary spending, because we passed that package and because, subsequently, we have passed measures that are in keeping with the promise that we made when we passed that budget reduction measure. That is the course we ought to continue on: Bring the budget deficits down but do not tamper with that fundamental organic document, the fundamental law of our country which trumps any other law of the land.

So let us not buy the claim that the balanced budget amendment will somehow take your grandchildren off the hook. These deficits and that debt can never be wished away, nor can they willy-nilly, over a period of any number of years, be erased through a simple provision that is inscribed into the fundamental law of the land: The Constitution.

That balanced budget amendment will not take our grandchildren off the hook. It cannot and will not.

As for leaving future generations with a brighter future, this balanced budget amendment is more likely to snuff out any possibility for a brighter future for many of America's children than to brighten such future.

Getting the details about how the proponents would actually get to a balance by the year 2002 is like extracting blood from a turnip. The President said we ought to have that. But if the broad outlines of such a plan to get to balance are to be believed, America's future may be dim, indeed.

According to reports, some proponents of the balanced budget amendment want to exempt Social Security and exempt defense spending from any cuts. Regardless of whether one agrees with those exemptions or not, let us just look at the arithmetic.

If one adds to that list the interest on the national debt, which cannot be cut and which must be paid, then more than half of the Federal Government's budget will have been excluded from any effort to balance the budget by constitutional amendment, if those items, defense and Social Security and interest on the debt, are taken off the table.

When we take those items off the menu, slide them off the table and totally insulate them from any review or analysis as to whether or where they should be cut, what have we done to the remainder of the Federal budget? The prime candidate then left to feel the budget ax becomes the domestic discretionary budget.

Discretionary spending is made up of both domestic and defense spending. If we eliminate defense from the equation, then the prime candidate to feel the budget ax becomes the domestic discretionary budget. That portion of the budget is the portion left to fund education, veterans' medical care, pensions, protect our people's health and safety, fund research and development projects, build roads and bridges, fund crime-fighting efforts, foster U.S. economic competitiveness in global markets, and generally invest in our people, their talents, and their future.

Obviously, if we take most of the Federal budget off limits for cuts, then the portion that is still eligible for cuts is going to be pretty badly devastated. One-point-three trillion dollars is not change for the streetcar or the bus.

What then happens to the quality of life in America that we are going to bequeath to our children? That ought to be a prime consideration in our debate here on the floor, and it ought to be a prime consideration on the minds of the people.

Are we really doing our children and our grandchildren a favor by embracing this amendment to balance the budget? We are all for a balanced budget. Those Senators who spoke in support of a balanced budget amendment this morning said we are all in favor of balancing the budget, and we are. If we devastate the part of the budget that keeps our kids educated, protects our health, advances our research, helps to keep our Nation competitive in the world, keeps our infrastructure in good repair—in other words, minds the basic needs of the Nation—what are we actually doing?

Mr. President, is there an order that at 1:30 we go back——

The PRESIDING OFFICER. Yes, the Chair will state to the Senator from West Virginia, under a previous order, we will be considering an amendment at the hour of 1:30.

Mr. BYRD. I thank the Chair. I ask unanimous consent that I may proceed out of order for not to exceed 10 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, so what we are actually doing is walking away from these responsibilities at the Federal level and relegating them to the States and counties and municipal governments. Some would say, "Yahoo, get the Federal Government off our backs." That is the standard talk show answer. But let us give that a little more thought.

With the passage of this balanced budget amendment, we will actually be shifting traditional Federal responsibilities, many of them, to the States and to the State houses. We will be creating a patchwork quilt of a nation with some States able to meet the increased responsibilities dumped on them by the Federal Government's withdrawal of funds due to steep budget cuts and other States not being able to do so.

We will have some States with enormous unemployment, some States with extremely dilapidated and deplorable transportation systems, some States booming, maybe, and others busting. Do we want that result?

I hear the Governors boasting of having cut taxes. I heard some of that last night. They are cutting taxes at the State level. And they have further tax cuts planned. Just wait until this constitutional amendment goes into effect. Those Governors will not cut taxes anymore. They will have to increase taxes because much of the burden is going to be dumped on them from the Federal Government. We will have trickle-down mandates. The Federal Government will offload the problems on the State governments. State governments will offload those problems on the county governments and municipal governments, and in the final analysis the same people who pay the taxes now are going to continue to pay the taxes.

Do we want to have parts of America looking like a Third World country? I have not heard those concerns addressed by anyone. The American people are not being told about the very dark and dismal side of this balanced budget amendment. Why is not anyone talking about these probable results of enacting such a proposal? In the opinion of at least one leader of the other body, the answer is, because if we talk about these things, the proposal will not pass. The knees of Members will buckle.

Now, think of that. Are we going to hide these things from the people in order to pass this ill-conceived idea?

There are other aspects of this proposal that are being hidden from the American people as well. All the while we are slashing away at the funds we have used to invest in our own people, some of the proponents of this amendment are busily signing on to some of the biggest tax cuts in our history. The U.S. Treasury Department indicates that Congress will have to come up with another $300 billion in cuts over the next 7 years to pay for the tax cuts reported to be embraced by the so-called Contract With America.

Now that, my friends, is not small change, either. Well, some would say, what is wrong with that? I want a tax cut.

Now we have the leaders of both parties advocating tax cuts.

Well, with a constitutional amendment to balance the budget, we need to reduce our deficit. We do not want any cuts in defense. We say no cuts in Social Security. We want to balance our budget, but we also want to cut taxes.

I said to Mr. Reagan, when he was President, you cannot do all these things and balance the budget. You cannot cut taxes in the situation we are in; you cannot have a massive buildup in defense spending; you cannot do all those things at the same time you cut taxes and still balance the budget. And we saw an accumulation of $3.5 trillion added to the nearly $1 trillion national debt which was in existence when President Reagan was elected—an almost $1 trillion national debt—and now we have a $4.5 trillion debt.

Look again at those tax cuts in the context of the budget cuts. It does not make sense. All that additional chopping at the budget to pay for tax cuts puts even more pressure on the States to fill in the gaps left by the cuts in the Federal budget.

There is some very clever sleight of hand going on here, Mr. and Mrs. Taxpayer. You may get the Federal tax cuts, but your State taxes are going to go through the roof as a result of this constitutional amendment on the balanced budget. And that ought to infuriate every thinking American taxpayer and inflame every Governor of the Nation. But many of the Governors are saying: No, give us a constitutional amendment to balance the budget. We are cutting taxes in the States. Why do we not have a balanced budget amendment? Get the Federal Government off our back.

Once that constitutional amendment takes effect, the Governors of the States will not be cutting taxes. The load is going to shift to them. They are going to be increasing taxes. Federal taxes will be cut and paid for with cuts in Federal programs, but that means the States will be left holding the bag, and the States' taxes will likely climb through the ceiling. The poor, unwitting believer in the balanced budget will be given the double whammy of increased taxes and reduced services.

When one takes more than half the Federal budget off the table—makes it off limits for cuts under the balanced budget amendment—then fully one-third of the remaining Federal programs are composed of grants to State and local governments and those are obviously going to be brutalized under this balanced budget amendment regardless of our passing this unfunded mandates bill that is presently before the Senate.

I hope the Governors will listen. I hope the Governors are eager to raise taxes to pay for essential needs, because the Federal Government is going to have to take a powder under this balanced budget amendment.

Nobody is leveling with the American people about these matters. I say to the American people, if there is ever a time to utilize your well-honed distrust for politicians, utilize it now. Demand to know what balancing the budget really means and how the proponents

plan to balance it. Do not let the politicians get away with this rabbit in a hat, with this sleight of hand.

What is going on here is simply politicians falling all over each other to embrace something that is momentarily popular. Sloganeering has taken the place of serious legislating and only you, the American people, can turn that around. I urge the American people to look beneath the slogans before it is too late. Demand to understand what will really happen to your taxes, to your quality of life, to your local economy, to your children and grandchildren if we constitutionalize this slogan. Demand to know the details. Understand that when Federal taxes are slashed in this instance, State taxes are likely to soar, likely to go up. Understand that when necessary Federal programs are slashed, services decline.

I am not saying that there should not be some programs slashed—that is what we did in 1993; it is what we ought to do—or services decline. Each State then has to try to pick up the slack.

Understand that reducing the deficit is not the same as reducing the debt, and do not be disappointed to learn that even after we devastate the only pot of money we have from which to invest in ourselves, in our Nation, and in our children by way of infrastructure and investment in the Nation's infrastructure, those children and their children will still be paying interest annually on the national debt.

Also understand that the unfunded mandates legislation does nothing to protect States from Federal mandates already in place.

Understand that the balanced budget amendment straitjackets the Nation when it comes to dealing with the economy. In a recession when economic activity falls and revenues fall, unless the Congress can get a three-fifths vote to agree to run a deficit, then the Government will be forced to aggravate the problem by cutting public expenditures, which is the easiest way I know to turn a recession into a depression.

Fiscal policy needs to be flexible because we cannot accurately predict economic fluctuations. Engraving fiscal policy and political ideology on the marvelously flexible United States Constitution is like putting an ugly tattoo on the forehead of a beautiful child. It is inappropriate, will mar the child forever, and it serves no purpose whatever except to destroy something inherently fine and to deface it.

I implore the American people to make the powers-that-be tell the American public how—exactly how—they intend to get the budget into balance by 2002. What are the proponents hiding? What about this sleight of hand on the subject of tax reduction? What else is there that we do not want the American people to know?

I also hope to remind the American people that television and radio talk shows are entertainment, not hard news and not hard facts. Do not let the colorful talk show hosts obscure real issues by exploiting public anger. If you are really angry about public policy, demand to know the details of the so-called cures for the ills of public policy from the proponents. Do not buy three-line formulas as a blueprint for some so-called American revolution, some Contract With America.

Here in my hand is my "Contract With America," the Constitution of the United States of America. If revolutions are contemplated, let us remember Lenin's words:

"We shall destroy everything, and on its ruins we shall build our temple." Does that sound like some of the talk that is making the rounds lately?

It might be well to remember Lenin's words in these days of talk about revolution.

If revolutions are contemplated, let the public clearly understand what the final results may be before we so wound the Constitution and the Republic that they may never recover.

We are only just now recovering from the fiscal hangover left the Nation by the Reagan revolution. As I recall balanced budgets, tax cuts, budget cuts, and sacrosanct defense budgets were all prime features of that last revolution and we are still paying the tab for that one. Let us not overdose on a frenzy of dimly understood procedural reform to the point where we take the insane step of writing fiscal policy into the U.S. Constitution.

We are on the road to balancing the budget, and it is an important and laudable goal to do so and we cannot let up. We have passed important and significant deficit reduction measures in 1990 and in 1993, the latter without a single vote, as I say, from the Republican majority in either House. What does that tell the people about the reality of expecting to get votes on measures that will be required to reduce the budget, measures that inflict pain?

What does that tell the people?

An informed and active citizenry is essential for the workings of a representative democracy. It is up to the people to exercise their right to know by demanding explanations to the many unanswered questions about this proposal, and it is my hope that they will be relentless and ruthless in their pursuit of knowledge in this particular case.

Mr. President, I call attention to a poll. Mr. President, the poll shows that 86 percent of the people think that the balanced budget amendment's backers should be required to specify what cuts they would make before the amendment is adopted.

I ask unanimous consent that the poll released by the Los Angeles Times on Monday be printed in the RECORD.

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

[From the Los Angeles Times Poll, Jan. 23, 1995]

SELECTED RESULTS FROM THE TIMES NATIONAL POLL, RESPONSES ARE AMONG ALL ADULTS

A full results summary with question wording and full question text will be available through the Los Angeles Times Poll at a later date.

Note: Not all numbers add to 100% because in some cases the "Don't know" answer category is not displayed.

AMBIVALENCE ABOUT REPUBLICAN PROPOSALS

Do you think the Republican "Contract with America" is a realistic or unrealistic set of proposals?

[In percent]

	1/95	10/94
Realistic set of proposals	31	30
Unrealistic set of proposals	54	55
Some are realistic, some are unrealistic	4	3
Don't know	11	13

As you may know, Congress is considering a proposal for a constitutional amendment to require that the federal budget be balanced by the year 2002. Those in favor say this is the only way to force the government to bring the federal budget deficit under control. Those opposed say it would require increased taxes and cuts in Social Security, Medicare, and Medicaid programs. Do you favor or oppose the proposal for a constitutional amendments to require a balanced federal budget?

	Percent
Favor	40
Oppose	53

Do you think the balanced budget amendment's backers should be required to specify what cuts they would make before the measure can be passed, or should the amendment be passed first, leaving the details until later?

	Percent
Specify cuts first	86
Leave until later	10

Right now, the Constitution allows Congress to pass tax increases by a simple majority vote, that is, by just over half of the members voting. Do you favor or oppose a proposal for a constitutional amendment that would require income tax increases to be passed by a larger, three-fifths majority of the members voting.

	Percent
Favor	69
Oppose	24

Do you favor or oppose giving the President a line-item veto, which would allow him to reject individual parts of a spending bill, rather than having to accept or reject the entire bill as current law requires?

	Percent
Favor	73
Oppose	20

As you may know, under the current income tax system, high-income people are taxed at a greater rate than low-income people. There is a proposal to replace that system with a "flat tax," under which everyone, rich and poor, would pay 17% of their income in taxes. Under this plan, income from capital gains and interest on savings would be tax exempt, but the current deduction for interest paid on home mortgages would be abolished. Do you favor or oppose this proposal for a flat tax?

	Percent
Favor	40
Oppose	48

	Percent
Don't know	12

As you may know, in 1993 Congress raised the percentage of Social Security benefits that are subject to income tax, from 60% to 85% for elderly couples with annual incomes of 44,000 dollars or more. There is a proposal to repeal that increase and restore the rate to 50%. Do you think the percentage of Social Security benefits subject to income tax should remain at the current 85% for these couples or should it be cut to 50%.

	Percent
Remain at 85%	43
Cut to 50%	49
Neither/Other	2

Do you think the federal government should spend a great deal more money on national defense, or somewhat more, or somewhat less, or do you think the federal government should spend a great deal less money on national defense?

	Percent
Great deal/Somewhat more	32
Somewhat/Great deal less	60

Do you approve or disapprove of a constitutional amendment which would limit to 12 years the time any member of the U.S. Senate or House of Representatives could serve?

	Percent
Approve	75
Disapprove	21

Do you think the term limits amendment should apply only to those elected after its approval or should it also apply to lawmakers who are in office now?

	Percent
Apply to new members	17
Apply to current members	74
Oppose term limits	3

On another subject, do you favor or oppose allowing U.S. troops to serve under United Nations commanders in some circumstances?

	Percent
Favor	66
Oppose	35

CRIME/WELFARE/TAX CUTS

On crime:

Which version of the crime bill do you prefer?

	Percent
The original bill which had money for crime prevention programs	72
A revised bill with no crime prevention funds	20
Neither/Other	4

On welfare:

There are two proposals being considered in Washington for reforming welfare. One proposal would require welfare recipients to find work after 2 years on the rolls, and would guarantee them a public sector job if they couldn't find one in the private sector. The other proposal would simply allow states to cut off a recipients' benefits after two years with no guarantee of a job. Which of these proposals do you prefer: the one that guarantees recipients a job or the one that includes no guarantee of a job?

	Percent
Version that guarantees job	66
Version that does not guarantee job	29
Neither/Other	2

There are two other welfare reform proposals being considered in Washington. One proposal would require welfare recipients under the age of 18 who have children out of wedlock to live at home in order to receive benefits. The other proposal would cut off all benefits to recipients under 18 who have children out of wedlock. Which of these proposals do you prefer: the one that requires recipients to live at home in order to get benefits, or the one that cuts off their benefits altogether?

	Percent
Version that requires living at home	58
Version that would cut off all benefits	28
Neither/Other	9

On tax cuts:

There are two proposals for cutting taxes being considered in Washington. One proposal would provide families with annual incomes of up to 75,000 dollars with a tax credit for children under 13, and families with incomes of up to 100,000 dollars with a tax deduction for their children's college tuition. The other proposal would provide families with an income of up to 200,000 dollars with a tax credit for all children, as well as a 50 percent cut in the capital gains tax. Which of these proposals do you prefer, and I can repeat them if you wish.

	Percent
Version for families with incomes under 75,000/$100,000	55
Version for families with incomes under $200,000	23
Neither/Other	10
Don't know	12

VARIOUS POLICY PROPOSALS

Do you approve or disapprove of President Clinton's national service program called "AmeriCorps" which provides students grant money for college it they agree to perform two years of national service?

	Percent
Approve	72
Disapprove	19

In order to reduce the federal budget deficit, some have proposed that higher-income people over the age of 65 pay extra for Medicare, the government health insurance program for the elderly. Do you favor or oppose this proposal?

Favor	48
Oppose	46

As things stand now, the age when people become eligible for Social Security benefits will be raised from 65 to 70 in the year 2034. In order to reduce the federal budget deficit, some have proposed raising the eligibility age earlier than 2034. Do you favor or oppose this proposal?

	Percent
Favor	27
Oppose	67

In order to reduce the federal budget deficit, some have proposed a reduction in the annual cost of living increases given on the pensions of retiree's from the military and federal government. Do you favor or oppose this proposal?

	Percent
Favor	42
Oppose	49

UNFUNDED MANDATES

As you may know, the federal government often requires state and local governments to adopt regulations and programs without providing funding to pay for them. There is a proposal in Congress which would bar the federal government from imposing these unfunded mandates on states and localities unless the federal government provided the money to pay for them. Do you favor or oppose this proposal?

	Percent
Favor	64
Oppose	23
Don't know	13

As you may know, currently the federal government requires state governments to build sewage treatment plants so that water used by residents meets federal cleanliness standards. Do you approve or disapprove of the federal government requiring state governments to do this, even if the state must pick up the costs?

	Percent
Approve	68
Disapprove	25

As you may know the federal government requires local school districts to provide special education for mentally challenged students. Do you approve or disapprove of the federal government requiring local school districts to do this, even if the localities must pick up the costs?

	Percent
Approve	68
Disapprove	28

Do you approve or disapprove of the federal government requiring state governments to provide citizens an opportunity for registering to vote when they get a driver's license or apply for some form of public assistance, even if the state must pick up the costs?

	Percent
Approve	49
Disapprove	42

MINIMUM WAGE

As you may know, the federal minimum wage is currently $4.25 an hour. Do you favor increasing the minimum wage, or decreasing it, or keeping it the same?

	Percent
Increase	72
Keep the same	24
Decrease	1
Eliminate	1

AFFIRMATIVE ACTION

Do you think affirmative action programs designed to help minorities to get better jobs and education go too far these days, or don't they go far enough or are they just about adequate now?

[In percent]

	1/95	9/91
Go too far	39	24
Don't go far enough	23	27
Adequate now	32	38
Don't know	6	11

As you may know, a measure has been proposed in Congress that would make it unlawful for any employer to grant preferential treatment in hiring to any person or group on the bases of race, color, religion, sex or national origin. Do you favor or oppose this proposal?

	Percent
Favor	73
Oppose	23

MEXICO LOAN GUARANTEES

As you may know, Mexico faces an economic crisis which has forced it to sharply devalue its currency. In response, private American banks plan to loan that country up to 40 billion dollars, and the U.S. government has agreed to pay back those loans in the event Mexico doesn't repay them. Do you favor or oppose the U.S. government guaranteeing those loans made to Mexico by private banks?

	Percent
Favor	15
Oppose	81

SPENDING CUTS

As you may know, there is much discussion in Washington about which programs

should be cut back in order to reduce the federal budget deficit.

Do you think the government should cut back spending:

	Yes	No
On the arts?	69	25
On Amtrak, the federally subsidized passenger railroad?	65	26
For public television and public radio?	63	32
On food stamps for the poor?	48	45
On subsidies for farmers?	39	63
On Aid to Families with Dependent Children, which is the government's principal assistance program for poor families?	38	64
On unemployment insurance programs?	30	64
On the environment?	27	67
For Medicaid, which is the government health insurance program for the poor?	20	73
On Social Security?	12	86
For Medicare, the health insurance program for the elderly?	9	88

MOOD OF THE COUNTRY

Do you think things in this country are generally going in the right direction or are they seriously off on the wrong track?

[In percent]

	1/95	10/94
Right direction	35%	26%
Wrong track	66	66
Don't know	10	8

Do you think we are in an economic recession or not?

[In percent]

	1/95	9/91
No recession	49%	41%
Mild recession	16	17
Moderate recession	18	23
Serious recession	11	13

CLINTON VS. REPUBLICANS

Do you approve or disapprove of the way Bill Clinton is handling:

	His job		The economy		Foreign affairs	
	1/95	10/94	1/95	10/94	1/95	10/94
Approve	54%	44%	51%	43%	46%	48%
Disapprove	40	50	38	50	44	46
Don't know	6	6	11	7	10	6

Who do you think has the better ideas for how to solve the problems this country currently faces:

	Percent
President Clinton	31
The Republicans in Congress	36
Both equally	7
Neither	14
Don't know	13

Do you think (Clinton/the GOP Congress) is working hard to bring fundamental change to the way government is run or is (he/it) governing in a "business as usual" manner?

[In percent]

	Bill Clinton	Republicans in Congress
Bring change	49	41
Business as usual	45	47
Don't know	6	12

As you may know, the Republicans now control both houses of Congress for the first time in 40 years. Because of that, do you expect the country to be better off, or worse off, or don't you expect Republican control of Congress to change things very much either way?

	Percent
Better off	32
Worse off	18
No change either way	39
Too early to tell	6

When dealing with the Republican Congress, do you think President Clinton should compromise to get things done even if he has to sacrifice some of his beliefs, or should Clinton stand up for his beliefs even if that means less might be accomplished?

	Percent
Compromise	56
Stand up for beliefs	38

What is your impression of:

[In percent]

	Bill Clinton	Hillary Clinton	Bob Dole	Newt Gingrich
Favorable	64	47	41	26
Unfavorable	38	36	28	39
Don't know	8	17	31	36

ASSAULT WEAPONS BAN

Congress has passed legislation banning the future manufacture, sale or possession of rapid-fire assault weapons. The measure does not affect those weapons already in existence and exempts many types of guns used by hunters and other sports enthusiasts. Some people in Congress would like to repeal this assault weapons ban. Do you favor or oppose maintaining a ban on the future manufacture, sale and possession of rapid-fire assault weapons?

	Percent
Favor	67
Oppose	16

HOW THE POLL WAS CONDUCTED

The Times Poll interviewed 1,353 adults nationwide by telephone, Jan. 19 through 22. Telephone numbers were chosen from a list of all exchanges in the nation. Random-digit dialing techniques were used so that listed and non-listed numbers could be contacted. Interviewing was conducted in English and Spanish. The sample was weighted slightly to conform with census figures for sex, race, age and education. The margin of sampling error for the total sample is plus or minus 3 percentage points. Selected questions were asked of a half sample of approximately 675; these carry a sampling error margin of 4 points. For certain other sub-groups the error margin may be somewhat higher. Poll results can also be affected by other factors such as question wording and the order in which questions are presented.

Mr. BYRD. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Senate now resume consideration of amendment No. 173, and that the amendment that was scheduled to be debated at 1:30 be set aside for 5 minutes so we can proceed to the consideration of amendment No. 173.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Mr. President, reserving the right to object, and I will not object.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I just want to make it clear we will not lose 5 minutes from our side because we have many Senators who wish to debate my amendment. I have no objection if the unanimous consent request includes the fact that we will not lose 5 minutes from the 90 minutes that we have been promised on our amendment.

The PRESIDING OFFICER. The Chair will observe to the Senator from California that under the previous rule that has been adopted the time would not be deducted from her time.

Mrs. BOXER. I thank the Chair and thank the Senator from Michigan.

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

AMENDMENT NO. 173

Mr. LEVIN. Mr. President, amendment No. 173 corrects a problem in this bill. The bill does not provide that individual Members can seek an estimate from the CBO that is so critical to the survival of their amendments and bills. This is a different bill from last year. This bill creates a new point of order which was not in last year's bill. It basically keeps the points of order that were in last year's bill, but it adds a new, critical point of order that makes a bill out of order if the estimate of the CBO is not in the bill, if there is not an authorization estimated for what it will cost local governments. But the new point of order has severe ramifications relative to the appropriations process.

Because there are such severe ramifications in this year's point of order, it is critical that individual Members have the power to seek an estimate from the Congressional Budget Office because if that estimate is not there—if certain other things are not there—there is going to be a point of order against our amendments and our bills. And even though it is a point of order and a procedural matter, that stands for something. Points of order mean things, they are not just little procedural hurdles. They can make the difference whether or not an amendment is considered or not considered, and whether or not a bill is considered or not considered.

On page 14 and on page 18 there are references to committees of authorization obtaining the estimates from the CBO in two different provisions. And there is also a provision on page 29 for the chairman or the ranking member of the minority of a committee of the Senate or the House, to the extent practicable, to obtain a study of a Federal mandate. There is no provision in here for an individual Member to obtain that estimate from the CBO, which is so critical for that Member's amendment or bill to survive a point of order.

So the amendment which I have asked unanimous consent now be considered, amendment No. 173, would correct that problem with the bill. I hope this will be adopted by the Senate.

At this point, with the understanding of the managers, I ask unanimous consent that it be in order to seek a rollcall on this amendment at this time,

and that the rollcall occur prior to a rollcall, if ordered, on the Boxer amendment, which will come immediately after this amendment.

I am not sure if the manager heard my unanimous consent—whether either manager heard that. I am seeking unanimous consent that it be in order to seek a rollcall on this amendment at this time, but that the rollcall be delayed until immediately preceding the rollcall on the Boxer amendment if one is ordered.

I will modify the unanimous-consent request so that it read immediately after the vote on the Boxer amendment.

The PRESIDING OFFICER. Is there objection to the unanimous consent-request? Without objection, it is so ordered.

Mr. LEVIN. Mr. President, 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.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to very strongly support the amendment proposed by my colleague from Michigan. I do not think any Senator here wants to give up his or her rights to request the same information that anybody else has—whether a committee chairman or not. I think this is a key amendment here. I do not see this as any small amendment.

To say that only chairmen of committees or only ranking minority members are the only ones who could ask CBO for a budget estimate gives up a right for a Senator to represent his or her State. And I do not think that is right. I think this was more of an oversight in the bill. It was not intended that Senators' rights be trampled on, but that would be the effect of this. So I see this as a very, very important amendment.

Every Senator representing his or her State has a full right to ask for whatever information may be required to get an amendment through or to propose legislation. In this case, that means that Senator has to go to the Congressional Budget Office and get an estimate. Otherwise, when they try to bring something up in committee and it is brought up and someone says what is the estimate on this, that Senator would not be able to have an estimate. So they would be precluded, in effect—they would be precluded from putting in amendments that other Senators could put in, if the other Senators were committee chairmen or ranking minority Members.

I do not think there was any intention to take away the rights of individual Senators. But lest there be any doubt about it I think we should pass this amendment. I hope it will be unanimous, if we pass it. To me it makes such common sense. So I rise in strong support of this and hope it could be accepted. If it cannot be accepted on the other side I hope the leadership on the other side could support this. We will have an overwhelming vote of support for this particular amendment because this really does correct something that needs to be corrected, something we should have done in committee but we did not have that opportunity. So here we are on the floor doing it, and I think this is a very important amendment. I yield the floor.

Mr. KEMPTHORNE. Mr. President, I appreciate the amendment of the Senator from Michigan. I am supportive of that amendment. I will encourage my colleagues on this side of the aisle to support that amendment.

Mr. President, I ask unanimous consent that no second-degree amendment be in order to the Levin amendment prior to its disposition.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Chair. I want to thank the managers of the bill for their support of the amendment.

I yield the floor.

AMENDMENT NO. 202

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of amendment No. 202 offered by the Senator from California. Pursuant to that order, there will be 2 hours of debate; 90 minutes of debate will be controlled by the Senator from California, and 30 minutes of debate will be controlled by the Senator from Idaho.

The Senator from California.

Mr. BYRD. Mr. President, will the Senator from California yield for a unanimous-consent request?

Mrs. BOXER. I am happy to yield.

AMENDMENT NO. 217, AS MODIFIED

Mr. BYRD. Mr. President, I ask unanimous consent to modify my amendment which has already been entered and is qualified, amendment No. 217. I send the modification to the desk.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 217), as modified, is as follows:

On page 5, beginning with line 22, strike out all through line 2 on page 6 and insert in lieu thereof:

"(I) a condition of Federal assistance;

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

"(III) for purposes of section 408 (c)(1)(B) and (d) only, a duty required under section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206); or

AMENDMENT NO. 202

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President. I want to again thank the managers of the bill for agreeing to a time limit which I believe will be sufficient so that Senators who wish to be heard on my amendment can come to the floor and be heard.

My amendment will ensure that this unfunded mandates bill will not threaten the health of children, of pregnant women and of the frail elderly. If we stand for anything in this Chamber, I hope it would be to stand up and be proud to defend the health of our most vulnerable populations.

I want the U.S. Senators to know that I support the thrust of this bill. I thought last year's bill did exactly what it should do. It was an important move forward. I myself, coming out of local government, had experiences which I had detailed on this floor which basically said to me that local and State officials certainly have brains, certainly know what their priorities are and certainly should not be treated in a way that is unfair to them or to their budgets.

Having said that, I think it is important that we not go too far in this bill, that we have a bill that makes sense, that essentially says we will not put unfunded mandates on the States but, in fact, we will let them know the cost and, to the greatest extent possible, we will provide the dollars.

Having said that, I think it is important to note that many of the things we do around here are for the good of the people. I will bring that out as I put forward my arguments.

I feel I must at this point speak to something the majority leader said, the distinguished majority leader, the Republican leader. He said today that Democrats were trying to block a bill they support. I personally feel that is a very unfair statement. I am on one of the committees of jurisdiction, Mr. President. I am on the Budget Committee. And my committee chairman, Senator DOMENICI, for whom I have the highest regard, and the ranking member, Senator EXON, for whom I have the highest regard, asked me if I would withhold most of my amendments until I came to the floor. I agreed to do that, with the exception of a sunset provision which we debated very swiftly in committee, and on a party-line vote the Republicans voted not to sunset this legislation. But I agreed to hold off.

What I came up with were four amendments that I thought were important. I had a call from my good friend, the majority whip. He said, "Senator, can't you try to cut down your four amendments to two amendments?" I said, Look. I think all four of my amendments are important. They protect the children, the elderly, they deal with benefits, and they deal with illegal immigration. But, I said, let me see if I can do it. I am happy to

say that I was able to cut back on one of the amendments because Senator WELLSTONE had a similar amendment, although really the amendment that he had, in my opinion, does not go as far as I wanted to in terms of weighing the benefits of some of our laws. But I agreed in the spirit of bipartisanship to cut back.

Today, I have agreed to time limits on two of my amendments, and the third one I think we can dispose of very, very quickly.

So I want to make the point to the majority leader, if he happens to be listening, or to those who are perhaps monitoring the floor so that he can know what is being said, that truly I know of no Democrat who is trying to stall this bill. We want it to be a good bill. We want to be able to vote for this bill.

I also think it is important to note that my Republican friends have voted lockstep against every single amendment the Democrats have offered. I have gone back through the record book to the last Congress and I could not come up with more than one or two occasions when that has happened.

So we have our Republican friends voting lockstep against amendments that could make this bill a better bill, in my opinion. The Senator from Idaho authored the bill in the last Congress. I supported that bill. But I very briefly want to tell you what this bill does because I have gone through this once before on the floor. I will not take a lot of time going over this chart. But I think, if you just look at this chart, you can see the kind of hurdles that we are putting our legislation through should this bill pass as it is without amendment.

In the initial bill, we asked for a Congressional Budget Office statement on cost, and a point of order would lie against any bill that did not detail that cost. That made sense. We are adults here in this Chamber, and we should know what we are doing. And when we have the facts to know what the numbers are we ought to determine if the benefits are worth the cost. That makes sense.

If that bill had been before us, this chart would have ended, Mr. President, essentially right here. All of this would not have been added. All of this green deals with the legislative process and the power of the Parliamentarian here in the Senate. No matter how fine and wonderful the Parliamentarians are—and, by the way, I think they are fine and wonderful—the people of California who I represent, 31 million of them, did not send me here to abdicate my responsibility to unelected Parliamentarians and to unelected bureaucrats at the CBO, faceless, nameless people who, if they are politicized—and that has happened in the past—one way or the other may come up with a number that is questionable. And there is not much we can do about it. In any event, we set up a huge hurdle. That does not even get into this chart, which is what our Federal agencies must do regarding this issue of unfunded mandates.

So the reason I have these charts here is to make my argument, Mr. President, that there are certain priorities that we will not want to send through this incredible maze. By the way, this chart looks like it is describing a one-shot process. It is not. This process may be repeated 10 times for one bill. Let me explain what I mean.

The bill starts here. It goes through all of this rigamarole through CBO, it goes through the committee, it passes to the Parliamentarian, all kinds of points of order may be heard, may be waived, and then it goes to a vote. But guess what? If anyone offers an amendment, you start all over again. Thank God for CARL LEVIN pointing out that not one U.S. Senator had a right to find out what his or her amendment would cost, to come to the floor with a CBO estimate and try to compete to get an amendment. Only the authorizing committees have that right under the bill.

So this is a nightmare. I have to smile because I remember when my Republican friends had charts like this on some of the Democratic proposals.

(Mr. COATS assumed the chair.)

Mrs. BOXER. I have to smile. This makes that look like a birthday party, because if I was really being totally straightforward, I would have 10 of these charts, because every time you have an amendment, you have to start all over again. By the way, every time you have a conference report, you have to start all over again. And by the way, every time the House takes up a bill, they have to start all over again. So this does not even really reflect the bureaucratic maze we are putting legislation through. That is why the exceptions clause in this bill is so very important. That is why I am so pleased that the bill, as it now stands, makes certain exceptions for national security, for emergencies, for international agreements. But since we have set up this maze, it seems to me that we better be darn sure that we are not stopping legislation that protects the health and the safety of our most vulnerable populations, and that is what my amendment is about.

I am very proud to tell colleagues that we have today received a letter from Carol Browner, who heads the U.S. Environmental Protection Agency. I would like to read it into the RECORD.

DEAR SENATOR BOXER: I applaud your efforts to ensure that sensitive subpopulations such as the elderly, infants, and pregnant women are protected in statutory and regulatory decisionmaking.

A growing body of scientific evidence indicates that some subpopulations may be disproportionately affected by some contaminants. For example, it is well documented that high levels of lead exposure contribute to learning disabilities in children. The National Academy of Sciences has published two reports confirming the need to consider differing effects in subpopulations when performing risk assessment and in regulatory decisionmaking.

Your amendment to S. 1 will ensure that Congress is free to act to protect the health of our children, pregnant women and the elderly and it has my full support.

Sincerely,

CAROL M. BROWNER.

Mrs. BOXER. Carol Browner comes out of State government. She is very sensitive to the need not to put burdensome regulations on our States. In fact, she is very well supported by people in State government. But she agrees that my amendment is necessary. Why? Because she knows that if in fact S. 1 passes as it is, without amendment, and we do not fix it up, bills that deal with the health and safety of the frail elderly, children under 5, and pregnant women, will go through this maze. I think we owe it to our children and their children, and the children after them, to stand up and be proud and vote for this amendment.

I want to tell you that we are in a time when we keep trying to simplify issues. Somebody said, "Oh, the President's speech was long." It was long last night, but do you know what? There are a lot of issues that need discussion, intelligent discussion. The American people are a lot smarter than 30-second sound bites and they deserve to hear more. Do you know what is happening in this country? They are hearing it. They are hearing it. Yes, there is a contract—a Republican contract—that somebody said they are going to get through in 100 days. Well, I am going to tell you that where I agree with that contract, I will walk hand-in-hand with my Republican friends. But if it hurts the children, if it hurts the frail elderly, if it hurts pregnant women, if it hurts the economy, if it hurts job creation, if it hurts deficit reduction, I am going to be on this floor and this is one of those times I personally, as one individual Member of the Senate in my 90 minutes that I have, and I will be joined by others, we are going to stand here and say "no", because this legislation sets up unbelievable hurdles to legislation.

This chart is just a hint of it because every amendment goes through it again and every conference report goes through it again. And it happens in two legislative bodies. I think the least we can do is exempt from that, in addition to the other things that are exempted in this bill, the most vulnerable people in our society.

Mr. President, there was a recent poll in the Wall Street Journal that I would like to share, a national poll that asked: "Which do you think should have more responsibility for achieving the following goal, Federal or State

government?" Protecting the environment. Fifty percent of the people say it ought to be our responsibility; 38 percent say the State. Protecting civil rights? Sixty-seven percent say Federal Government; 26 percent say the State. Strengthening the economy? Sixty-four percent say the Federal Government; 24 percent say the State. When I ran for this office, I was very honest with the people in my State and I said, "I am going to fight for you, and I am going to fight for what you believe is right and what is best for you and your children." They trust me to do that. There are many other Senators who did the same. So I am very proud to offer this amendment.

I would like to retain the remainder of my time. I know there is opposition on the other side of the aisle. I would like now to yield the floor and retain the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, on behalf of the bill manager, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. LOTT. Mr. President, this is good legislation—trying to have a process to get some control on the incredible burden of Federal unfunded mandates. It has broad support at the local level—the mayors, county commissioners, Governors, and the private sector. All across America people are saying this needs to be done and asking, "Will you not at least have a process to look at the burden that is being created by Federal unfunded mandates, the burdens you are passing to individuals and to county and city governments, the taxes you are putting on people?" This is good legislation. It has had broad support, building over a period of months—in fact, years.

I understand there are 62 or more cosponsors of this legislation. Republicans and Democrats have joined together in drafting this legislation. We had the bill last year. The bill that got to the final hours of the session last year has been improved on. Changes have been made that make it better. It has been brought to the floor with this broad base of support across the country and in this Chamber.

Even the President, last night in his remarks, singled this out and said we may have some disagreements and maybe some improvements can be made, but this is something that we can have and he supports it. Great. We are going to find things we can work together on, such as congressional accountability, line-item veto, unfunded mandates. We are making progress. The American people are going to be the beneficiaries. We are working together. And then what happened?

A funny thing happened on the way to passage, on the way to the President's desk. Every amendment conceived by the minds of men has been pulled up and has been offered or is pending to be offered to this legislation.

This is the ninth day on this noncontroversial, bipartisan bill. This is delay. This is not just finding ways to improve it. It has a purpose. Now, I am not real sure what the purpose is. I presume it is to try to delay the taking up of the constitutional amendment on the balanced budget. That is the only thing I can figure. Maybe it is just to try to score points along the way.

When the President says, "Let's work together," he gets applause on both sides. But he needs to convey to his agents in the Congress that we need a little help. We cannot make progress if we are going to have these amendments that are unrelated, nongermane, that are not going to be accepted. Let us get to the end of this process and pass this legislation.

The ninth day already, and it looks to me like it is going to be all day today and into the night and all day tomorrow and into the night, perhaps Friday, Saturday. But I think we need to get used to it. The leader said we are going to vote this week. The only way we are going to get to a vote is if we begin to dispose of these amendments.

Now, what kind of amendments are we talking about here over the past 9 days? We have had amendments on both sides of the aisle, I admit that, that have dealt with history standards, abortion clinic violence, one on Social Security, I understand one on pornography, now this one on elderly and children.

And, again, as has been said on this floor, I am not diminishing the importance of any of those, but on most of them I ask, why here? Why now? They do not relate to this bill.

This is just making points, Mr. President. And I think it is damaging the image of this institution, and it is certainly, at a very minimum, delaying this bill.

Now, there are those who say, "Wait a minute. I'm not talking about damaging this bill. Even if it is unrelated or nongermane, or maybe if it is germane, I just want to try to improve it. Could we exempt this little thing? Could we add this or that to the little list of exemptions?"

Well, after a while, if you exempt this, you exempt that, what are you going to have left? If it is going to in any way affect anybody or any group of individuals, then we want to exempt them.

And this bill has exemptions, carefully selected exemptions drafted by the committee, by the Members most intimately involved and knowledgeable in this legislation, that have already been worked out and put in the bill.

In fact, there are at least six categories of exemptions in the bill. In addition to the ones that came to the floor originally in this bill, a couple have been added—age, color. But we have the exemption if it involves enforcing the constitutional rights of individuals; we have an exemption if it establishes or enforces any statutory rights that prohibit discrimination on the basis of race, religion, gender, national origin, or handicap or disability status—and now we have added age and color. We have an exemption of any provision in the Federal laws that requires compliance with accounting and auditing procedures with respect to grants or other money or property provided by the U.S. Government; that 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; that is necessary for the national security or the ratification of or implementation of international treaty obligations; or the President designates as emergency legislation and the Congress so designates in statute.

This has been worked out. It has been carefully crafted in the committee. The exemptions that really need to be in the bill are in here. We cannot keep adding to it and adding to it and adding to it. We can all come up with some category that maybe we would like to say, "Oh, exempt that." I can certainly think of some I would like to have in my State of Mississippi.

But I think the committee has done a good job. I think the managers of the bill have done a good job. They have been willing to accept a couple of additions, a couple of changes.

I think we have to stop that process where we keep adding to it. And remember this: This is a process. It has been said over and over again, but I repeat it again. This is not saying that it must be this way or that way. It sets up a process for Congress to be able to think about what we are doing with these mandates, to know what the impact is, so that we can raise a point of order. What is the cost analysis? Who would be affected? And it allows us to have a process or forces us to consider what the impact is and deal with it. And if it unfairly deals with the frail elderly, there will be a way to deal with that.

You know, when the American people realize that we pass all these bills and all these mandates and that we do not know what the costs are, we do not know what the impact is on individuals and cities and counties and States, they are horrified. They cannot believe it.

But at least now we will have a process to analyze what the impact would be, what the cost would be. We can make a decision that this is in the national interest and we are going to go forward with it. And that decision could include providing the money or

not providing the money if that decision is made by the Congress. But it forces us to deal with this issue.

So you do not need to add every possible, conceivable exemption that you can possibly dream up because they are not being cut out. We would still have a process to review it and think about it.

It will help all of the people, including people of all races and colors and age and children, if we pass this legislation. This legislation will begin, hopefully, to get a grip on stopping some of the burdens we have dumped off on individuals, on cities, that leads to tax increases, causes the loss of jobs.

What about the people that want a job that cannot get one because of Federal unfunded mandates? We are going to at least force ourselves to think about those things.

There are a lot of groups and individuals that have written us in favor of this legislation as it was drafted in the committee—business groups, industrial groups, groups of private individuals, governmental associations, the National Federation of Independent Businesses. I have a long list of supporters.

Mr. President, if my time has expired, I yield myself 2 more minutes to wrap this up.

The PRESIDING OFFICER. The Senator from Mississippi yields himself 2 more minutes.

Mr. LOTT. There are groups that are on record as supporting this.

But, also, to again clarify the depth of the support and that there is a lot of Democrat and Republican support for this, I have letters in my hand here. I ask unanimous consent, Mr. President, to have these letters printed in the RECORD.

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

OFFICE OF THE MAYOR,
Chicago, IL, January 18, 1995.

Hon. TOM DASCHLE,
Minority Leader, U.S. Senate, Hart Office Building, Washington, DC.

DEAR SENATOR DASCHLE: I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments. I am pleased that the new Congress is acting quickly, with bipartisan support, to move this legislation.

My support for effective mandates legislation goes back several years. Along with countless other mayors, governors and county officials, I have long tried to make clear to the Congress and the Administration the adverse impacts unfunded mandates have on our ability to conduct the people's business and be accountable to our taxpayers. Chicago's 1992 study, Putting Federalism to Work for America, one of the first comprehensive studies of this issue, conservatively estimated that mandates cost the City of Chicago over $160 million per year—a figure that has only increased since then.

The legislation being considered in Congress will begin to address this problem by setting up a strong process to discourage the enactment of new mandates, and to require that new mandates be funded if they are to be enforced. I recognize that it does not cover existing mandates, an issue which I believe Congress also needs to address.

Fundamentally, this issue is all about giving local governments the flexibility to make the best use of local and federal dollars. The importance given the mandates issue gives me hope that the new Congress—Democrats and Republicans alike—will be paying close attention to the real issues that face our communities and our citizens. Please work to expeditiously enact a strong, effective version of S. 1.

Sincerely,

RICHARD M. DALEY,
Mayor.

NATIONAL LEAGUE OF CITIES,
Washington, DC, January 11, 1995.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the elected officials of the nation's cities and towns, I thank you for sponsoring the Unfunded Mandate Reform Act and for working against amendments that threaten the effectiveness and bipartisan spirit of this legislation. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for a long time. We will not have such an important relief opportunity again if this measure is thwarted in the final hour by special interests or partisan politics.

We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1. We believe that exemptions for labor mandates and/or environmental mandates (sometimes termed as legislation relating to "protecting public health and safety") would undercut the fundamental purposes of S. 1, as well as reduce the capacity and flexibility of the nation's cities to focus our resources to protect public safety. Historically the most onerous unfunded mandates to local governments have fallen into the two categories of environment and labor.

We also strongly oppose amendments that would exempt mandates related to services which both the public and private sectors provide. The argument that S. 1, as it is currently written, gives the public sector a "competitive advantage" over competing private sector entities is an unfounded fear, as the private sector entities and the U.S. Chamber of commerce, who support S. 1, would likely confirm. Furthermore, we would note that the "Motor-Voter" bill is one of the very few bills we are aware of which imposes mandates upon the public but not the private sector. Therefore, we are apprehensive that any so-called "competitive advantage" amendment would largely eviscerate your NLC-supported legislation.

Our strongest objection to such "competitive disadvantage" amendments is that they contradict the purpose of S. 1—to provide relief to state and local governments from unfunded mandates. The legislation and its sponsors recognize that the public sector is distinctly different from the private sector, both in the services each provide and how they are affected by unfunded mandates. Local governments have the responsibility to provide services such as clean water, drinking water, public safety and garbage disposal. In contrast, providing these same services are an option for the private sector—which can provide such services, for a profit, to those who can afford to pay. Local governments act, not as a matter of choice or motivated by profits, but as a duty to all citizens. In the case of private entities, the motivation is to gain a profit.

It is one issue to set certain standards so that any private corporation can understand the rules before it chooses to ply a trade. It is a different issue when the federal government requires a local government to provide a service in a one-size-fits-all manner to every citizen. This distinct difference between the two sectors means that the federal government must be sensitive to mandates it imposes on state and local governments.

Thank you for your continued efforts to maintain the integrity and bipartisan spirit of S. 1.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-Large, Atlanta, GA.

THE UNITED STATES CONFERENCE OF MAYORS,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of The United States Conference of Mayors, I want to thank you for your continued leadership in our fight against unfunded federal mandates and 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.

S. 1 which was developed in bipartisan cooperation with the state and local organizations, including the Conference of Mayors, is even stronger than what was before the Senate last year in that it requires Congress to either fund a mandate at the time of passage or provide that the mandate cannot be enforced by the federal government if not fully funded. However, the bill is still based upon the carefully crafted package which was agreed to in S. 993 and which garnered 67 Senate cosponsors in the 103rd Congress. The ill would not in any way repeal, weaken or affect any existing statute, be it an existing unfunded mandate or not. This legislation only seeks to address *new* unfunded mandate legislation. In addition, S. 1 would not infringe upon or limit the ability of the Congress or the federal judicial system to enforce any new or existing constitutional protection or civil rights statute.

The mayors are extremely pleased that our legislation, which was blocked from final passage in the 103rd Congress, has been designated as S. 1 by incoming Majority Leader Bob Dole. We also understand and appreciate the significance of the Governmental Affairs and Budget Committees holding a joint hearing on our bill on the second day of the 104th Congress at which our organization will be represented.

I remember the early days in our campaign when many questioned our resolve. How could a freshman Republican Senator from the State of Idaho move the Washington establishment to reform its beloved practice of imposing federal mandates without funding? We responded to these doubters by focusing the national grass-roots resentment of unfunded mandates into a well orchestrated political machine, and by joining with our

state and local partners in taking our message to Washington.

The United States Conference of Mayors will continue in its efforts to enact S. 1 until we are successful. We will not let up on the political and public pressure. And we will actively oppose efforts to weaken our bill.

The time to pass our bill is now. Those who would seek to delay action will be held accountable, and those who stand with state and local government will know that they have our support and appreciation.

Thank you again for all of your hard work and commitment, and rest assured that we will continue to stand with you.

Sincerely yours,

VICTOR ASHE,
Mayor of Knoxville,
President.

NATIONAL CONFERENCE OF STATE LEGISLATURES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate,
Washington, DC.

DEAR SENATOR KEMPTHORNE: The National Conference of State Legislatures enthusiastically supports S. 1, the Unfunded Mandate Reform Act of 1995. We join you in urging your colleagues to cosponsor this bill and approve this legislation in Committee and on the floor of the Senate. The National Conference of State Legislatures commends your efforts, along with those of Senator Bill Roth, incoming Chairman of the Senate Governmental Affairs Committee, and Senator John Glenn, the outgoing Chairman of the Senate Governmental Affairs Committee, in forging the bipartisan mandate relief bill that is to be presented to the Senate next week as S. 1. We deeply appreciate your leadership in developing legislation that takes significant steps toward correcting the problem of unfunded federal mandates and for your openness to listen to our concerns during the negotiation process.

Your bill is a fitting first step in restoring the balance to our federal system by recognizing that the partnership with state and local governments has been significantly weakened by the growing federal practice of imposing unfunded mandates. No government has the luxury of unlimited resources, and the taxpayers of this country, our shared constituents, recognize that having the federal government pass its obligations down to the state and local governments does nothing to reduce their overall tax burden.

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.

As has been said often over the past year, the level of cooperation among state and local governments and members of the United States Senate during the negotiation process is unprecedented. Again, we appreciate your efforts, and those of the other Senators who helped forge this compromise, and wholeheartedly support passage of S. 1, the Unfunded Mandate Reform Act of 1995.

Sincerely,

JANE L. CAMPBELL,
President, NCSL, Assistant House Minority Leader, Ohio.

NATIONAL LEAGUE OF CITIES,
Washington, DC, December 30, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: I am writing on behalf of the elected officials of the nation's cities and towns to commend you for sponsoring the Unfunded Mandate Reform Act of 1995. Of all the measures introduced to date, this legislation is undoubtedly the strongest, best crafted, and most comprehensive approach to provide relief for state and local governments from the burden of unfunded federal 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 represent. Local governments and the taxpayers we serve have borne the federal government's fiscal burden for too long. We will not have such an important relief measure thwarted in the final hour by special interests.

We commend you for continuing to foster the bipartisan support which your original mandate relief bill so successfully garnered in the last Congress. We will work hard to gain bipartisan support for mandates relief in the 104th Congress, because, as you are well aware, this bill will benefit all states, all counties, all municipalities, and all taxpayers, regardless of their political allegiance.

Again, please accept our sincere gratitude for your efforts.

Sincerely,

CAROLYN LONG BANKS,
President, Councilwoman-at-Large, Atlanta, GA.

NATIONAL SCHOOL BOARDS ASSOCIATION,
Alexandria, VA, December 30, 1994.

Hon. DIRK KEMPTHORNE,
Dirksen Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR KEMPTHORNE: The National School Boards Association (NSBA), on behalf of the more than 95,000 locally elected school board members nationwide, would like to offer its strong support for the "Unfunded Mandate Reform Act of 1995" (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 to comply with unfunded federal mandates. We commend you and your unending leadership on this critical issue.

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 local school boards are directed to implement. School boards are not opposed to the goals of many of these mandates, but we believe that Congress should be responsible for funding the programs it imposes on school districts. Our nation's public school children must not be made to pay the price for unfunded federal mandates.

S. 1 would prohibit a law from being implemented without necessary federal government funding. S. 1 would allow school districts to execute the future programs which are required by the federal government without placing an unfair financial burden on the schools.

Again, we applaud your leadership in negotiating and sponsoring this bill which would allow schools to provide a quality education to their students. We offer any assistance you need as you quickly move this bill to the Senate floor.

If you have questions regarding this issue, please contact Laurie A. Westley, Chief Legislative Counsel at (703) 838-6703.

Yours very truly,

BOYD W. BOEHLJE,
President.

THOMAS A. SHANNON,
Executive Director.

NATIONAL ASSOCIATION OF COUNTIES,
Washington, DC, December 29, 1994.

Hon. DIRK KEMPTHORNE,
U.S. Senate, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR KEMPTHORNE: On behalf of the National Association of Counties, I am writing to express our strong support for S. 1, the Unfunded Mandate Reform Act of 1995. We sincerely appreciate the leadership you have provided in crafting this new, strong bipartisan bill to relieve state and local governments from the growing burdens of unfunded federal mandates. Our NACo staff has reviewed the latest draft and they are convinced it is much stronger than S. 993, the bill approved in committee last summer.

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 vote to impose the cost on state and local governments. Although the new bill will not prevent Congress from imposing the cost of new mandates on state and local taxpayers by holding members accountable we believe it will discourage and curtail the number of mandates imposed on them.

Again, thank you for your leadership on this important legislation. County officials across our great nation stand ready to assist you in anyway we can to ensure the swift passage to S. 1. If you have any questions, please contact Larry Naake or Larry Jones of the NACo staff.

Sincerely,

RANDALL FRANKE,
Commissioner, Marion County, OR,
NACo President.

Mr. LOTT. I have a letter from Mayor Richard Daley of Chicago; another one from the National League of Cities. They support the legislation. But there are some key words in here. They support the legislation without weakening amendments. And that is what this is. It is a weakening amendment.

I will just read the first sentence in the letter from Mayor Daley.

I am writing to urge your support for the Mandate Relief Legislation (S. 1) currently being debated on the floor of the Senate and I encourage you to work with your Democratic colleagues to oppose any weakening amendments.

That letter was to the minority leader, TOM DASCHLE.

In a letter to the manager of the bill, the Senator from Idaho, Senator KEMPTHORNE, from Carolyn Long Banks, president, and councilwoman-at-large, Atlanta, GA, on behalf of the National League of Cities, the first sentence of the second paragraph:

We urge you to oppose amendments that would provide blanket exemptions of certain types of mandates from the points-of-order contained in S. 1.

Right on point with this amendment—"oppose amendments that would provide blanket exemptions of certain types of mandates."

And this is from a city officeholder in Atlanta on behalf of the National League of Cities, not your basic, you know, Republican organization. Mr. President, I really think that we should defeat this amendment, all other similar amendments. Let Senators bring this thing to closure. Let Senators pass this bill tomorrow night and celebrate, having done the right thing for all Americans with this unfunded mandates legislation.

I reserve the time.

Mrs. BOXER. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator from California has 74 minutes and 30 seconds.

Mrs. BOXER. Thank you, Mr. President. I will speak for about 1 minute in response to the Senator from Mississippi, and I plan to yield 10 to 20 minutes to the Senator from Connecticut, whatever time he might wish to consume.

Mr. President, I want to say to my friend from Mississippi, and he is my friend, that I am rather distressed at his comments. But I am not surprised. It is the intent of the Republicans to make it look as if the amendments we are offering are so-called frivolous amendments. They are not important amendments. They are only meant to slow things up.

I understand he has a Contract With America that he likes. Hey, I like some of the things in the contract. I will help him when I agree with him. But I will not be railroaded so that he can make his 100-day deadline, when the people of California sent me here to protect the children, protect the frail elderly, to make sure that I stand up and fight for my State to get reimbursement for illegal immigration, the biggest unfunded mandate of them all that is not even addressed in this bill.

I liked the bill as it came out last year. As a matter of fact, it did exactly what the Senator from Mississippi, the distinguished whip, says this bill does. Today he said, "We want a process to look at the burden we are putting on the other levels of government." I agree. That is exactly what the bill did last year. It stopped right there. CBO came in with the estimate. If we did not have an estimate there was a point of order against the bill. This whole green area here was added this year. It is a bureaucratic nightmare.

I believe we should think very carefully before we pass a law that will impact local and State government. I served on local government. I come out of local government. I had some mandates that were ludicrous that came down from the Reagan administration. Ludicrous. But I do not want to go too far because we can take a good bill with a good concept, which is what this bill is, and we can destroy it if the real agenda is to stop this U.S. Senate from acting in behalf of the people.

I am very clear in my mind that the people sent Senators here to do something. They did not send us here to walk away from our responsibility. Now, every day I hear of letters from mayors of cities, small cities and big cities, and members of boards of supervisors, and that is great. But I do not represent mayors and Governors and city councils and boards of supervisors. I like them a lot. I have a responsibility to the people that elected me. There were, as I remember, 6 million of them. And the others who voted for my opponent, they want me to work, too.

I find it interesting, because the majority leader last week said, "What is wrong with the Democrats? You do not want to work. We are ready to work." First he says we do not want to work in January; then he criticizes us for having 100 amendments. It is work to put together an amendment that we believe in and fight for it as I am doing and others are doing. It is not fun and games, especially since the Republicans are voting lockstep against us on every single amendment.

I urge the American people to look at that. On the Congressional Accountability Act, they even voted in lockstep—lockstep—to allow lobbyists to continue to take them out to dinner and pay for their weekends. They voted in lockstep against the Lautenberg amendment that said if there is an across-the-board cut, we should take a cut in pay. They voted against that. They are voting in lockstep. There is a contract, and I am not here to help them get a contract through which, in part, I think will hurt Americans.

I think this bill is a good one, but we have to make it better. I am very glad to see that the managers of the bill support Senator LEVIN's amendment, which will allow an individual Senator to get an idea of what his or her amendment will cost so that they can participate in what is now becoming a nightmarish scenario of how to get a bill into law.

When I was a kid I read how a bill becomes a law. It was complicated enough then. Wait until the kids have to learn about this. They will wonder what are we up to. So, I could say to the mayors who are listening and the city councils, I do not intend to vote on anything that will lay an unfair burden on you. But I say to the mayor of Milwaukee, and I don't know if anyone has heard from him, but when cryptosporidium killed 100 people in his city and caused 400,000 serious illnesses because a parasite got into the water, he would have been glad if we had passed a law here that told them they had to get rid of cryptosporidium which killed his constituents.

So, I will yield time to the Senator. I will reserve my time to continue to debate this very important amendment. I am proud that the EPA, the person in charge of the environment in this great Nation has sent a letter to every Senator, asking for this amendment. I am very proud that the Senator from Connecticut is here now. He will talk not only about this amendment on protecting the frail elderly, children under 5, and pregnant women from this bureaucratic maze, but also on my amendment on child pornography that he supports. I yield to him at this time, 15 minutes.

Mr. DODD. Thank you, Mr. President. Let me thank my colleague from California. I may not need all 10 minutes, and I will reserve the balance of time if I do not use it.

Let me first of all commend the Senator from California for offering the amendment that is before the Senate, and, as I understand it, a second amendment which she will offer later this afternoon involving vulnerable constituencies.

The first amendment, the one which is before the Senate now, would provide protection for the health of children under 5, pregnant women, or the frail elderly. They would not be subjected to the procedural hurdles imposed by S. 1. The second amendment, which the distinguished Senator from California will be offering, would exempt laws that protect our children from pornography, sexual assault, and exploitive labor practices. And I think both are very sound and responsible amendments.

Let me just echo the comments of my colleague from California. First of all, I am a supporter of this bill, the unfunded mandates bill. I was a supporter of the bill that we could have passed last September, had it not been stopped through the gridlock and filibusters that took place here.

I do not know if there is much debate, there may be some who are opposed to the idea of amending the present situation which allows unfunded mandates to foist incredible burdens on our State and local governments. As the Presiding Officer knows, and others, a year ago I offered an amendment on this floor with the support, I might point out, of my distinguished colleague from Mississippi, on the Budget Committee and again on the floor.

We tried to do something about the cause of special education, which today the Federal Government contributes about 7 percent of the cost of educating a child with special needs, despite we made a commitment some 20 years ago that we would make up to 30 or 40 percent of the cost. I tried a year ago to get this body to support an amendment that would have raised our commitment to the costs of special education

to 30 percent. That failed at the time. But that was again an unfunded mandate, in a sense, by saying special needs children must be educated. We said that should be the case, and yet we are not willing to back up that mandate with the kind of resources to support the States deferring those costs. That is one example.

Here we are talking about a generic law dealing with a lot of issues. I do not take a back seat to anybody in my support for the concept of trying to be more of a partner in meeting the desirable goals of our Nation. That, I do not think, is in debate. The question is, are there certain areas that we ought to exempt from those procedures?

Now, when we are sitting here debating a situation where there are absolutely no exemptions. We were taking the position, or there was a position of the majority here, that there should be no exemptions. Discrimination laws, national security issues, we are going to subject every mandate to the same standard and test. Then I think the argument that we should not be accepting or supporting the Boxer amendment would have value because we are applying the same standard to every single constituency and every single issue that comes before this body where a mandate is involved.

Mr. President, that is not the case. We have already decided to exempt some areas. And I agree with them, by the way. I am not disagreeing with the exemptions that have been made. We said, for instance, on the basis of sex or race or national origin, that you cannot require a procedural process dealing with the funding or the mandates in those areas.

We have already taken categories of people based on their gender, their national origin, and their race, and we have said, "If there is a mandate here to the States that involves those issues, then you are exempt from the procedures." I think that is wise. I think that is right.

We have also done that in the area of national security and international agreements, again I think for good cause. We said, "Look, this is a very sound idea. Unfunded mandates, we ought to be funding them, helping our States or not requiring them. But there are areas in which we think that these procedures should not apply for certain constituencies. Certain people, certain circumstances ought to be exempt from that process."

What the Senator from California has said is we agree. We also think there are some other people here, in addition to the ones mentioned, that we think also fall into that category, and circumstances that fall into that category. Not every State has laws which prohibit the mailing or communication of pornography. I know which States they are. I will not bother listing them here today, but there are States that have no laws in this area whatsoever.

So if we do not fund these things, it is conceivable through the computer practices today—and all of us have read the stories about Internet, and so forth, how you can cross State lines very quickly. The days of just only affecting your neighborhood in these areas is long since behind us. In fact, there are some horrid stories involving the use of computers, on-line computers, Internet, and what happens to young children who get caught up in this.

What the Senator from California is saying, when it comes to pornography and to child abuse and neglect, is that we ought to also carve out an exception, as we have carved it out for the others. Now that we are no longer being pure on the issue, we are carving out exemptions, this is one we think also ought to be carved out.

In addition to the question of children under 5 and frail elderly, I do not think any of us want to be in the position of having some huge procedural hurdles put in front of us despite our commitment to dealing with the unfunded mandates issue. This idea that we have to be so pure when it comes to the process, the process becomes more important, far more important than the constituencies we are trying to serve.

I think we have to get some balance here. Try to have an intelligent, thoughtful process, but let us not lose sight of what happens. The process becomes, in a sense, the Holy Grail, rather than the people who are supposed to be served by the process. I think we lose sight of that. It is possible to have a sense of equilibrium here, where you move forward in the process, you try to make it work better, far more efficiently, far more effectively. But when you turn to certain constituencies, as we have done in this bill—we have said on the basis of race, gender, or national origin, you are different; we are not going to apply the process to you because we honestly believe we should not be turning the clock back in certain of these areas.

What the Senator from California is saying, when it comes to the frail elderly and children under 5, and pregnant women, that we ought to, as well, say "Look, this is not a matter, folks, that we can argue about how much we want to do," and so forth, but in these areas, it would be a major setback to become so distracted, so embracing of the process, that we are willing to walk away from constituencies in these particular cases.

I would certainly not stand up here and support constituency group after constituency group after constituency group that seek to avoid the process. This has been carefully crafted by the Senator from California—carefully crafted. She talks about a series of constituencies and circumstances in which some of those vulnerable citizens in our society could be affected.

Protecting children from pornography, that is a very important issue. This body has debated and discussed this issue over the years, and we have taken strong positions on the issue. I do not know of anyone here who wants to be on the side of coming out and saying, "I'm sorry, but the process of unfunded mandates is more important than what happens to a child through the use of pornography through the mails and computers."

We have to make a choice here: Is the process more important than the issue? I suspect if the American public had an opportunity to vote on that issue, they would say, "Do not make the mistake of becoming so wedded to your process around here that you have neglected or failed to deal properly and forcefully with the issue of child pornography."

The same could be said with sexual assault and exploitative labor practices included in this piece of legislation. Children under 5, pregnant women, frail elderly—those are the constituents. If we cannot find a way to have an intelligent bill on unfunded mandates—and I am confident we will—as well as intelligently carving out certain areas of constituencies that need our national protection, then I think we have lost sight of what our role is here to be a body that does try to be far more efficient and effective, make Government smaller, make it work better. All of us, I think, are wedded and determined to do that and also, as I said a moment ago, to maintain that sense of equilibrium, which is critically important, in my view.

Mr. President, I will just mention here, because someone may say, "How bad is this problem in certain areas," let me just point out—I know the Presiding Officer knows these numbers, as the chairman of the Subcommittee on Children and Families, on which I have the pleasure of serving with him—but reports of child abuse and neglect have risen 40 percent between 1985 and 1991. Too many cases of child neglect and abuse are reported annually now. One in three victims of physical abuse is a baby less than 1 year of age, and almost 90 percent of the children who died of abuse and neglect in 1990 were under the age of 5.

Unfortunately, these numbers seem to be getting worse. I do not know if anybody has simple answers to it, but I think as we try to deal with these questions, we ought to try to get to the heart of it as quickly as we can and not set up, as I say, an arbitrary set of hurdles here in our desire to intelligently do something about a process that needs reforming.

So, again, I emphasize, Mr. President, the fact that we have already carved out constituencies because we feel and have felt that they were important and essential and should not be subject to the whim of a simple majority here, a 51–49 vote that could roll back our support in these areas.

I suggest in the areas the Senator from California has outlined, we should do likewise. This will not do great violence to the underlying bill on unfunded mandates. Quite the contrary. I think it says that this is a body that has dealt with an issue that needed dealing with and dealt with it effectively, and had a sense of balance and equilibrium about the constituencies out there that deserve to be singled out because of their vulnerabilities. I think we ought to be able to do both.

If we do, I think we strengthen the legislation and build a stronger base of support, because we have shown a heightened degree of sensitivity about these people, these children, particularly, because most of the categories we are talking about are the youngest children, the ones who have little or no protection at all but look to us and look to others to make sure that at least there are laws on the books which allow those who are responsible for enforcing them to have some tools in their hands and not watch some endless debate down here that gets caught up in filibusters as to whether or not we are willing to come up with the money in these areas and watch the issue die.

I urge the adoption of these amendments. I hope we will get away from this notion that any suggestion—any suggestion—to try to improve this bill is rejected because of some drag-race mentality. We are not involved in the business of a goldfish-swallowing contest around here, to see how many we can put down our throats in what period of time. This is the Senate of the United States in the business of trying to legislate. I think these are good ideas.

Under normal circumstances, were we not sitting around here trying to meet some date that has been set out in front of us, I think these amendments would be debated, modified a bit, and I think they would be accepted. In the normal course of amending a bill, these amendments would be accepted.

But because there might be a conference with the House working out some of the differences, it might delay the calendar on adopting this legislation, no one can support it on the other side. I think that is a huge mistake. I do not think we are being well served by that mentality.

As I say, this is not a drag race to see who can beat the clock. We are dealing with a very important bill, a good bill—I will say, a good bill, a good bill—that will change the process in this country and provide assistance to States and localities. It is a good bill. I think it can be made a better bill, and that is our business through the amendment process.

Let us get rid of this calendar/clock idea. Let us get our business done quickly, but let us also engage in the kind of discourse that the Senate requires when good ideas are raised; Members can support or object. But to go through a process, no matter how good your idea is, no matter how many people may agree with you, we say, "Sorry, we cannot accept it because, you see, it is far more important we have a clean bill without a conference to get it done than it is what we write and what we ask the American people to support."

So, again, I commend the Senator from California. These are good amendments. I think I can predict what is going to happen. They are going to be defeated mindlessly because it does not fit the drag race to get the bill done.

My view and hope would be that some might begin to at least say look, I think these are pretty good ideas. I think the House might accept them.

Let us not get bogged down in rejecting every idea that comes along here merely because it is going to upset the 100-day calendar, whatever else it is we are dealing with.

That is not what the American people are interested in. They could care less about the politics of what kind of timeframe you are going to build on. They want us to do a good job here—not a fast job, a slow job but a good job. I think we have a wonderful opportunity to do a good job. It can be a better job with the adoption of these amendments.

Mr. President, I reserve the remainder of the time.

The PRESIDING OFFICER. The Senator from Connecticut yields back his remaining time.

The Chair advises the Senator from California the time under her control is 53 minutes and 30 seconds.

Mrs. BOXER. I thank you very much, Mr. President.

Is there a desire on the other side to take some time?

Mr. LOTT. Mr. President, I inquire of the time remaining on this side.

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi there are 17 minutes remaining.

Mr. LOTT. Since there are 50 minutes on the other side and only 17 on this side, I will reserve the remainder of our time at this time.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, before the Senator from Connecticut leaves the floor, I want to thank him for taking time to speak. It is very difficult for Senators to come and talk on another Senator's amendment. That is why I am so pleased I have a number who will be doing that.

I could not be more pleased than to have the Senator who has really stood for protecting the children of this country to be here on these amendments. I think it is clear that he has been the leader in this regard. I think he makes the points very clearly. We are setting up hurdles in this bill, many more hurdles than in last year's bill. Some of us may still decide it is a bill worth voting for, but we do have a chance to make it easier.

I say to my friend, under last year's bill, the hurdles stopped about at this point, because at that time we just said CBO had to let us know how much our amendments or bills would cost State and local governments. And then we would make intelligent decisions because hopefully we have the ability to do that.

What has happened in this year's bill, S. 1, which some say goes too far, is that we added all this part here which deals with giving power to the Parliamentarian to decide whether or not the amendment or bill as it comes to us is fully funded, and there are points of order and all kinds of confusion.

I might say to my friend, after we even get a bill down here to the floor, every amendment has to start all over again with this procedure. That is why the exceptions clause is so critical to us. It is not as important as it was under last year's bill, but because of these hurdles, we have to be careful that we do not tie our hands behind our back, blindfold ourselves, and put earplugs in so we can really do nothing.

I am very fearful, if we do not get these amendments through, then the children of our country, who do not put on pinstriped suits or come up here and treat Senators to dinners and breakfasts, will not be heard.

So I thank the Senator for adding his important voice to this amendment. I repeat that Carol Browner of the EPA supports us on this, of which I am very, very proud.

At this time, I would like to yield 7 minutes to my colleague from Minnesota, Senator WELLSTONE.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair, and I thank the Senator from California. I am pleased to be an original cosponsor of this amendment.

Mr. President, to me, the operative language in the amendment says that any bill which "provides for protection of the health of children under 5, pregnant women, or frail elderly would not be subject to S. 1's point of order and other requirements."

I had a meeting back in Minnesota before the beginning of this session. It was really a very powerful meeting. It was with a large number of people from the disabilities community in Minnesota—Justin Dark came out—and people were really both terrified and I think indignant about what this unfunded mandates bill would mean to them.

I think it was very, very important it be made clear that there would be an exemption as it applied to the Americans With Disabilities Act.

I really view this amendment in the same framework, and I would say to my colleague from California and the Senator from Washington, with whom I have worked closely as well, that actually, as I have had discussions with people in my office about this piece of legislation, some have been surprised at really what is, by and large, with my strong support, the premise of this bill, but my view is that we should be accountable.

I think that when we vote legislation and we are requiring State or local governments to follow through and implement certain policy and there is an expense, and we might decide that we cover the expense or we might decide that it is appropriate for State or county or city government to also be providing some of the funding, we should go on record.

In many ways, that is what we do now. Someone can challenge a particular through an amendment and call for 51 votes right now. I like the idea of our being accountable, and in that sense I think the premise of this piece of legislation is extremely important. I have said that to Senator KEMPTHORNE. But I also worry about what Senator BOXER has so ably pointed out on the chart.

What I worry about is that we get into a kind of morass where there is the complexity and the multiple veto points which end up leading to a process where we literally cannot move forward with important legislation where there are needs that cry out to us. I would say that those needs cry out from children and from frail elderly and from women expecting children.

I know one of the most poignant gatherings I have been involved with here in Washington was when a group of citizens, to make a connection to the environment, came from around the country. They were mainly poor and they came to talk about environmental justice. Their point was that all too often the environmental degradation has a disparate impact on their communities. And they are right.

So when it comes to situations where women really cannot eat fish out of lakes or rivers close to where they live, nor can their small children, or when you go into a classroom—this happened to me in Minneapolis—and meet with students—I think there is no alternative to meeting with elementary school kids; it is wonderful how eager they are. It is sort of like the world all of a sudden of magic is before you. But to leave this meeting and then have a teacher say to you afterwards: You know, Senator, these kids are wonderful, but I really worry about the lead they have in their bloodstream—environmental degradation, whether it be in the paint or whether it be in the soil—there are needs that cry out in this country.

I cannot think of an amendment that does more to really strengthen this piece of legislation because by passing this amendment I think what we say in one stroke of public policy is we are committed to being accountable; we are committed to making sure that we do not impose legislation on State and local governments without making an effort to either provide the funding or be clear that they should provide the funding, but we go on record, we are explicit about what we do, but at the same time in the framework of the Americans With Disabilities Act, we understand that there are some compelling needs in this country, there are important populations that, unfortunately, are not so important here, not as important as they should be, that really do need support and protection.

We do not want to see some legislative process we have designed that has become so convoluted, so complex, so full of opportunities for people to block to prevent us from moving forward where we really need to take action.

I think that is what this amendment does. I think it strengthens the bill, and I am very pleased to support it.

I yield the remainder of my time. I thank the Senator from California for her leadership.

Mrs. BOXER. Mr. President, I thank the good Senator for coming over and joining in this debate. Again, it is an honor for me to have so many of my colleagues make the time. He has consistently worked since this bill began to try to strengthen the ability of this Senate to respond to the needs of populations that simply cannot get on a plane, come over here, take us to dinner, and plead their case eloquently. And many times these populations are in fact little kids, pregnant women, and the frail elderly.

What we are saying in this amendment is very clear. This bill has turned into somewhat of a bureaucratic nightmare. Maybe it is worth it all, to make the Governors happy. But we better stand up and look out for regular people. Is that not why we are here?

At this time I am going to yield to the Senator from Washington who I think, more than anyone in this place, stands up in the most direct way to protect those people, average Americans. I yield 7 minutes to my friend from Washington, Senator MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I thank my colleague from California, Senator BOXER, for bringing this very important piece of legislation, this amendment, in front of us today, because I think it points out who some of the critical citizens we are representing in this debate are and what attention we need to bring to them. Certainly I, like all of my colleagues, have received letters from mayors and city councilmen and women who are saying you have to pass this unfunded mandates bill.

As a former State Senator I certainly was the recipient of mandates from the Federal Government, and I said, "Who are they to pass this along to me?" However, I think in the process we have forgotten the people whom we are here to represent. My constituents in the State of Washington sent me back here to represent their interests at the Federal level. Certainly some of the most important people I represent are the people who are spoken to in this amendment: Children, pregnant women, and the elderly. I look at this bill very critically. How will that affect those, the most frail in our society, people who do not have much of a voice here in the U.S. Senate?

There certainly are no children here, no pregnant women, and very few elderly. I think it is important we speak out for them and I thank the Senator from California for bringing this to our attention.

As we look at this bill in front of us, I look at the charts of the Senator from California that say what we will have to go through in order to pass a bill or amendment in the future, once the unfunded mandates bill comes before us. I have to say, as a mother I have a great concern about what this may do in case of a national crisis in the future. I want to point out an example of an issue I think might be severely impacted by this legislation as it is now in front of us without Senator BOXER's amendment.

Last year in my State there was an outbreak of E. coli. E. coli is a bacteria that is in meat, and if the meat is not cooked properly it can cause severe illness and in some cases death. In my State of Washington, some children had hamburgers from a restaurant where the meat was not cooked sufficiently. Several children died, many were ill, several of them still ill, and the outbreak of that has very much affected me as a mother thinking about buying meat and purchasing things.

We responded very quickly, putting out new regulations about how long meat should be cooked. Certainly public awareness has become greater on the issue. But I say to all my colleagues, and to people listening, that E. coli is an emerging bacteria. It was not here several decades ago. It is now something we are seeing more and more of, and there may be a time in this country where it is not just isolated to my region. Where we see more of it, we will need to respond quickly and directly with national legislation to ensure that we deal with this crisis.

I look back at the charts of my colleague from California that show us the legislative process we have to go through and I ask what would happen if we had to bring an amendment forward to deal with an issue like E. coli. What strikes me very much is it will no longer be our decision about whether or not this is a critical issue to the

country and one we will be able to fight for. It will end up at CBO, and CBO will decide whether or not, if they have the manpower or the womanpower to decide how much this is going to cost, how long it will take them to put together the impacts, if they can, of the passage of the legislation. We will have some nonelected bureaucrat sitting in a back room, looking at a stack of paper on his or her desk deciding whether or not they have the time to decide the impacts of my E. coli amendment that is before the U.S. Senate.

I have a serious concern with that. I was elected by the people in my State to come back here and to bring to the attention of this Government important issues that we have to address. To know that I would be stymied by somebody who is not elected, who is a CBO bureaucrat in the maze of the Senator from California back there—that I could not react quickly really concerns me. It especially concerns me when the issue affects children or pregnant women or the elderly.

I think the amendment of the Senator from California is very important for several reasons. It points out very specifically how this can have a dramatic impact on some of our populations, some of our amendments—the process. Kids are small. Their tolerance level is very low. They cannot take a lot. We cannot wait for a bureaucrat to decide whether or not this is an important issue. Maybe they are not a mom and they do not have the kind of feeling I have about it. We need to be able, as elected officials—the people we have—to be able to move legislation quickly.

I commend again the Senator from California for bringing this very important amendment before us that will simply say when the issue affects children, pregnant women and elderly, that we can move it through this body quickly and effectively. I believe, as the Senator from Connecticut said, this strengthens the bill. This touches the concern I have, and says we can act as who we were elected be, to be legislators, to make legislation. We can do it responsibly. And it is an important amendment for this body to consider and to move forward.

I again thank my colleague, the Senator from California, for bringing this amendment before us and I yield back my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. We do not have much time remaining on our side but I will just try to give a little balance to the debate. I would like to take 4 minutes of our time to make a couple points.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 4 minutes.

Mr. LOTT. Mr. President, after the last three statements we have heard I want to emphasize this point. This bill hurts no one. This is a positive bill. The results of this bill will be to help people, all people, including—and I believe especially—the elderly who now have to bear the burden of so many of the Federal regulations through additional taxes and in many cases property taxes. This is a way to begin to help the American people by getting the onerous mandates of the Federal Government and all the problems it creates and all the taxes off the backs of people.

We should not be trying to anticipate, in this legislation, S. 1, any and all of the types of circumstances that would justify a waiver in future legislation. This legislation fully anticipates that such circumstances will exist, probably, and allows the full Senate to judge those cases on a case-by-case basis.

Several amendments have been offered. I guess others will be offered that would remove additional categories from coverage by the bill. I have a lot of questions about this.

How do you define frail elderly as distinguished from sick elderly or just elderly? My mother, heaven help her, is 82 years old. She has a bum knee. She does not get around too well. The bill already has an exemption for age. Would that not take care of this problem?

There is this other little exemption in the bill that I read earlier. If there is a real problem the President of the United States can designate this is an emergency and can take care of the problem also.

There is no end to the list of groups or categories of individuals or circumstances we might conjure up that might come forward. The bill will take care of that. There are at least three problems with adding all these exemptions.

First, it is a slippery slope and there is no limit to the interests that arguably ought to be protected through an exclusion.

Second, creating entire categories of blanket exclusions invites real problems of interpretation. Would a mandate that deals with infants and pregnant women, but also includes many nonexcluded circumstances or categories, be exempt from the requirements of S. 1? That is a question we really would have to think about.

Third, the more categories that are excluded, the more loopholes in the bill that will invite creative construction of mandates, in order to avoid the intent of the law.

The real answer to these pleas for additional exclusions lies in the waiver provision. Remember, S. 1 does not decide which mandates will be funded by the Federal Government and which ones not. Instead it establishes a process. Is it a magical process? Are we wedded to that? Can we make changes? Yes, we can. But this is not a mandate. This is a process by which we can virtually look at all Federal mandates. They will be judged on their individual merits as to whether or not the Federal Government ought to fund them or not.

S. 1 fully anticipates the concerns of Senators like the distinguished Senator from California, Senator BOXER, by allowing the Senate to make a case-by-case judgment on which mandates are so compelling that they ought to be imposed even without Federal funding.

A big advantage of such case-by-case determinations is that it allows Congress to prevent creative uses of exemptions from turning into unintended loopholes. It also allows us to still require that the cost of a mandate be scored by CBO, under the provisions of S. 1, while then having the option of waiving the requirement that the Federal Government fully fund it. Remember, exclusions from this act are exempt from both requirements. That is the way they should be considered.

I reserve the remainder of my time.

The PRESIDING OFFICER (Mr. FRIST). All time which has been yielded has expired.

The Chair reminds the Senator from Mississippi that he has 13 minutes 43 seconds left under his time, and the Senator from California has 38 minutes 2 seconds.

Who yields time?

Mrs. BOXER. Thank you very much, Mr. President.

Mr. President, I thank my colleague from Mississippi. I want to respond to some of his points.

The Senator says, "What do you mean by frail elderly? It is confusing to me." Let me tell you why we decided to go with frail elderly. We wanted to make this a narrow exception. We did not want to make this an exception that will hurt this bill. We said children under 5, because those are the ages recognized by the World Health Organization as the years when children are particularly vulnerable to environmental pollution. We did not want to say "elderly." That would mean everyone over 65 or 62 or 70, because I have many friends of that age group who are in better shape than some of us who are younger. We are trying to make an exception for the most vulnerable in our society.

It is really extraordinary to me that my good colleague would send out one of the members of the leadership to fight this amendment. I am very flattered that the majority whip himself is here with all of his experience in debate. But I think it speaks to the fact that this is an important amendment.

I hope that my Republican friends will not march lockstep to some 100-day plan to pass a contract and say we have to vote against every amendment because if this bill is different than the House bill we will have to go to conference, and, God forbid, it will slow it down and take time.

I hope the American people are listening to this debate. I hope they get involved in it because we are going to vote on this issue pretty soon. I think anyone who has followed this debate, who has seen how bureaucratic this law is, will well understand why we need to exempt some of our priorities from the maze it creates. If children are not our priority, where are we as a nation? Every Senator from every party, Republican, Democrat, Independent, I do not know of one who has not made a great speech and gotten great applause for our wanting to protect our children or our future. Well, let us show that we mean what we say.

We are setting up a new procedure that is very confusing. I daresay I listened to this debate. The two managers could not agree on some of the provisions. There is no explanation of one of the key points in the bill, the term "direct savings." There is no definition. The Senator from Mississippi says, well, the Senator from California does not define what frail elderly means. In this bill there is no definition of direct savings. If we pass an environmental law and kids do not get poisoned from lead and they can concentrate in school and they can get into high school and college and earn a living, was it worth it that we said to the States get the lead out of the water? You bet.

I ask you, my friends, my Republican friends who voted in lockstep against every one of these amendments, to ask the people in Milwaukee if they would have wished we would have acted to take the cryptosporidium out of the water, or my friend from Washington, my good friend, who said she had to deal with the effects of E. coli in the meat supply.

This bill sets up a bureaucracy. Make no mistake about it, it is here. No one disputes it because this is it. This picture, I say to my friends, does not even show the whole nightmare that it is because this is just what the Senate does to get the bill. Every amendment goes right around and through all of these steps again at every single conference report that may come to us. It goes right through it again. You can hear the arguments on this amendment. They have accused us of slowing things up. I have news for them. They are on a 100-day course. My people did not send me here to march in tune to a contract that some politician wrote. They sent me here to fight for the people of California, to stand up for what I believe in, and especially for those without a voice because kids do not come here in pin-striped suits and treat us to dinner. They expect, and they should expect, of their elders that we will look out for them.

I have made this amendment very narrow. I have made this amendment so narrow that the exception is the frail, elderly, children under 5, and pregnant women, because I do not believe it is right, I do not believe the American people want us to tie that kind of legislation into knots and later on be offering an amendment that says if it is a law that deals with child pornography, child sexual abuse, child labor law infraction, that we do not subject those kinds of laws to this bureaucratic nightmare.

If that is what this contract is all about, fine. I have to say that my friend from Mississippi, and he is my friend, says this bill hurts no one, that this helps all people. Let me tell you something. I will be unequivocal about this. I used to be in local government. I did not like it when the Reagan administration told me what to do, and they did it time after time. So I want to support a bill that takes the mandates off our backs. I supported the original bill. This one goes too far. It sets up a maze. I am here to tell you. What good is it for the people of California to send me here and I cannot even offer an amendment to save the children—to save the children from chemicals that go into the water, from bacteria that goes into the food, from dirty air?

Do you know that the children in Los Angeles today have a 15 percent lower lung capacity than children born in clean air areas? The San Francisco Chronicle, which in the past has supported many Republicans, says as follows about this bill:

Clearly none of the major environmental protections passed over the past 25 years could have withstood this bill.

So let us be careful. Let us vote for the Boxer amendment, supported by the head of the Environmental Protection Agency, and in a new poll the vast majority of people believe we should have an Environmental Protection Agency. And Carol Browner has sent to every Senator a letter today saying vote for this amendment. This is smart. She says:

Your amendment, Senator BOXER, will ensure that Congress is free to act to protect the health of our children, pregnant women, and the elderly, and it has my full support.

This bill sets up a process. This is not about helping anybody. It is about a process. It is not about helping anybody. I hope that we will add an exception. That is an exception for the frail elderly, the children, and the pregnant women. I ask my friend from New Jersey if he is prepared at this time to make a few remarks on this amendment, or would he rather the Senator from Texas take her time now? I have the right to the floor, and I am glad to yield if he wishes.

Mr. LAUTENBERG. I thank the Senator from California. I hope the Senator from Texas will excuse my taking advantage of the time offered now. I will not be long.

Mrs. BOXER. Would the Senator like 10 minutes?

Mr. LAUTENBERG. That would be the most that I would need.

Mrs. BOXER. I yield 10 minutes to the Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I rise to make sure that as we pursue the objective of S. 1, one that I think almost all share here, which is to get rid of assigning States tasks that cost them lots of money without having a good and sufficient reason, that we take important national matters into consideration. One issue that I have mentioned in previous statements is interstate pollution. I am concerned about my ability to persuade the citizens of New York to take on an extra tax so that beaches in my State could remain free of pollution. Yet that is exactly what may happen, because under S. 1, States would not have to comply with Federal mandates unless we pay them to—or unless I am able to persuade a majority of my colleagues to help my State.

As I examined this bill, I came to the conclusion that, while in concept and principle it is an excellent idea, there are certain national interests that are so important that they ought not to be subject to the S. 1 point of order. I commend the Senator from California, whose always thoughtful review of legislation enables her to have a certain uniqueness about finding that one spot or a place in a bill that really calls out for unique or special attention.

In this case she is absolutely right. These exemptions, such as the one that is being proposed by the Senator from California, include Federal mandates relating to national security, discrimination, and international agreements.

So today, I am trying to help secure support for the amendment of the Senator from California, to add the protections of children, pregnant women, and the frail elderly to the list of vital national interests.

Mr. President, I cannot believe that any of my colleagues would act in a way to endanger the welfare of already vulnerable Americans. Yet, this bill, as it now stands, would do just that.

Mr. President, if we leave Federal environmental laws to the States, we risk a situation where some States will enact much stricter legislation than others and in that situation, by way of example, our Nation's children could be placed at terrible risk. Scientific studies have shown that children, pregnant women, and the elderly are all particularly vulnerable to environmental threats. The overall incidence of childhood cancer, which induced, frankly, the review of the Superfund statutes that are on our books, has increased 10.8 percent over the last decade. Noting that, the incidence of childhood cancer has increased 10.8 percent over the last decade. Cancer now is the No. 1 disease killer of children from late infancy through early adulthood.

Unlike legislators and regulators, the disease of cancer does not know State

lines. If just one State were to loosen its environmental laws, the fallout could lead to even higher rates of childhood cancer, both in that State and throughout the region.

In his State of the Union Address, the President cautioned that we must maintain our sense of responsibility and compassion as we move to trim the Federal Government.

As it now stands, S. 1 would allow States to decide whether or not, on their own, to protect citizens from serious environmental threats. I am concerned that passing this bill in its current form might be neither compassionate nor responsible.

The Federal Government has a moral responsibility to protect American citizens—especially our most sensitive populations—from grave dangers to their health and well-being. We have a moral responsibility to tackle national problems with national solutions. And we have a moral responsibility to make sure that our national environment is habitable and safe.

Later this afternoon, I plan to offer another amendment that addresses concerns not dissimilar to those raised by the Senator from California. My amendment would exempt from the requirements of this bill, legislation seeking to limit exposure to group A carcinogens. In other words, very simply, if a mandate was issued that one State had to rid itself of the emission of carcinogens to protect another State's interest as well as its own, I do not think it is unreasonable to ask that polluting State to pay for it, particularly if the effects, like the wind blowing or currents flowing, would be in another State.

Mr. President, I am particularly sensitized now to the well-being of children, as I expect a phone call any minute from my youngest daughter, who is ready to deliver my second grandchild. It is an exciting time, as all know. Also, it is a daunting one. I want to make sure that my children and your grandchildren, Mr. President—you are young and do not have them yet, but you will get them, God willing—and all the children in this land grow up in a safe healthy environment.

I want to make sure that they can breathe in the air without also breathing in toxins of death, that they can drink the water without imbibing lead, and that they can grow up as healthy, productive adults, free from scars of serious birth defects and childhood diseases. That is why I am here and joining the Senator from California to support this amendment.

It is thoughtful, purposeful, and it belongs in this piece of legislation as an exemption. Otherwise, Mr. President, we are going to be putting the children of America and the elderly at dangerous risk. There is nothing more beautiful, in my mind, than my pregnant daughter. We ought to be concerned about pregnant daughters across the face of this Nation. We all instinctively want to protect and admire that cycle of life.

So, Mr. President, I hope this is an amendment that is going to carry by weight of its value and by the persuasive presentation from the Senator from California.

I yield the floor.

Mrs. BOXER. Mr. President, I understand that the Senator from Texas is prepared. I will only take 1 minute of my time. How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 20 minutes 33 seconds.

Mrs. BOXER. I will take, at maximum, 2 minutes to say to my friend how much I appreciate his coming over here. He has been a stalwart in terms of protecting the environment of the State of New Jersey and the health and safety of all Americans. He just faced the voters in a very tough race, where he stood on that record of environmental strength. And I think the fact that he is out here today supporting this very important amendment—which, I tell my friend from New Jersey, Carol Browner, the head of EPA, supports and has sent us a letter which is on everyone's desk—and the fact that he took the time out of his busy schedule says to me he meant what he said to the people of New Jersey and he is very magnanimous to the Senator from California for helping her.

I want to share a personal note with my friend. I, too, have a daughter who is going to give me, if all goes well, my first grandchild in June. And it is quite an experience to those people who have not had it yet. Your feelings for life and children and future come right to the forefront. What we do here now is going to affect those grandchildren of yours and mine, because if we set up such hurdles that makes it impossible for the Senator from New Jersey to fulfill the pledge he made to his people in his election and impossible for the people to look to me and say, "Please, BARBARA, you said you want to act to help the young people and elderly in our environment." Children who live in Los Angeles have on average 15 percent lower lung capacity than children living in clean air areas. That is wrong.

This bill is a good idea that may well go too far. We are trying to fix this and make it better. I am stunned at my colleagues, that they did not say to me, this is reasonable, let us work it out, let us change two or three words, and let us make your idea part of this bill.

No. No. I have never seen anything like it; vote after vote along partisan lines against amendments that are going to make this bill better. The majority leader said, "They like this bill. Why are they offering these amendments?"

Because we want to make it better. We did not come here to roll over and play dead because there was an election and somebody has a 100-day contract. You know, my contract with my people goes far past 100 days. It goes to the next generation.

I really believe that the Senator from New Jersey spoke eloquently to that point. I am so proud to have his support, and also have the support of the Senator from Connecticut and the Senators from Washington and Minnesota. I thank them all.

I retain the remainder of my time to close debate at a later point.

The PRESIDING OFFICER. Who yields time?

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I certainly appreciate the concern of the Senator from California about pregnant women and children and the elderly, and the Senator from New Jersey talking about carcinogens.

A vote today against this amendment or against the Senator from New Jersey's amendment does not mean that we are for carcinogens in the water. It does not mean that we do not want to take care of the young children and the elderly. We all want to make sure that our young children and our elderly people who need help have it.

In fact, that is the purpose of the bill. The purpose of the bill is to bring the issue down not to whether we take care of people or not but how do we take care of them? What is the best way to make sure that our children have a future, that our elderly are able to be taken care of, that we do not have carcinogens in the water?

The question is who makes the decision and who pays for it?

What we are saying today is that the Government that is closest to the people should be making those decisions and they should pay for it after they make the decisions.

The whole concept of our Government is that we do not have taxation without representation; that if we are going to have a program whoever decides that we are going to have that program should pay for it. That is the issue today. It is not whether or not we are going to take care of the people in this country who need help.

I am a former State treasurer. I have been a State officeholder. My colleague from Idaho has been the mayor of his city in Idaho, Boise. So I think we have to look at the issue of who can best do this job.

We know the impact of these mandates. We know the tough choices unfunded mandates force States and cities and counties to make. And the issue is, are they going to raise taxes or are they going to cut services, services to the elderly and children? That is the question.

Passage of this bill sends a clear message to our State and local government leaders that have cried to us time after time after time. We want to work with them to reduce the pressures on the taxpayers of America. It will also send a message to them that we intend to return to the proper role of Federal Government.

In my own State, almost one-third of the increase in the State budget over the last 3 years has been the result of unfunded Federal mandates—one-third. It is a stealth tax. The taxpayers of Texas and California and Ohio and Idaho are paying taxes but we do not get the blame for those taxes because it is a stealth tax. It comes from unfunded Federal mandates through the States and local governments. We just cannot afford it anymore. The taxpayers of this country cannot afford it anymore.

Yesterday, I spoke about an amendment and I said these unfunded mandates mean that we may have to increase and have increased the light bill or the water bill or the sewer bill for the very elderly people that the Senator is trying to protect. I think you have to look at the overall picture to determine what the effects are going to be on the people that we are going to try to protect.

Gov. George Bush of Texas, who just got sworn in last week, in his inaugural address said, "Texans can govern Texas. Thank you very much, Federal Government. We can do it ourselves."

Well, I am sure Tennesseans can govern Tennessee. I am sure Californians can govern California. They are quite competent to do it. In fact, they are better able to make the decisions, because they would not put a mandate on the local governments to test the water supply for proposed carcinogens that that water supply has never had and will never have because they know what the potential carcinogens are in Boise, ID, or Amarillo, TX, or Memphis, TN. They know better than the Federal Government and they do not need to send their money to Washington to have them launder it through their bureaucracy and send 80 cents on the dollar back. They have figured that out.

So the issue is not are we going to protect the elderly and the children and the working people and the jobs in this country. The issue is how is the best way to do it. And the best way to do it is to pass this bill without amendments that are going to gut it as this amendment will, pass this bill to say to the State and local governments: We are not going to tell you what is best for your locality because we know you can make that decision. We know that you are the best source to determine what the quality of air is and what the priority programs to clean up the air is for your area. And it is different in Los Angeles than it is in El Paso. It is different in Houston than it is in Memphis.

That is why we want to pass this bill, so that the local governments can more efficiently protect the people that we are here to protect, because they can do it best at the government level that is closest to the people and they can determine what the priorities are and they will do it in a much better way than the Federal Government, the bureaucrats that may or may not have ever visited Los Angeles or Memphis. They can do it better.

So that is why I am supporting this bill. And that is why I am very concerned about an amendment that would essentially start to take out segments of the potential mandates because when you do that you are saying, "We will be able to continue telling you how you will do your business, State government and local governments."

And I think the people of America understand that. And I think they understand that this is a bill that will fulfill a commitment that we have made to downsize the Federal Government, to go back to our roots, which is State and local governments have all of the responsibilities in the Constitution except those specifically reserved to the Federal Government. Not the opposite. It is not the Federal Government saying we are going to do everything and we will let the States and local governments do a few things that we decide they might be competent to do. The Federal Government did not create the States in this country. The States created the Federal Government. That is the way our Founding Fathers decided to do it because they knew, they knew, that States and local governments were best able to deal with our problems. They knew that we should have a very limited Federal Government. That is what we are trying to return to with this bill.

Thank you, Mr. President. I yield back the remaining time.

Mrs. BOXER. Mr. President, may I inquire as to what the timeframe is on both sides?

The PRESIDING OFFICER. It is 17 minutes and 10 seconds, and 5 minutes and 13 seconds.

Mrs. BOXER. I would be glad to ask the manager if he wishes to retain his time.

Mr. KEMPTHORNE. Mr. President, to the Senator from California, I believe I will use the remaining 5 minutes to make closing comments.

Mrs. BOXER. I say to the Chair, it is my plan to close the debate since it is my amendment, so at this time I would like to take 10 minutes of time. I would like the President to inform me when I have reached that 10-minute timeframe.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mrs. BOXER. Mr. President, I am really glad that the Senator from Texas came over here to talk about her philosophy of government because, really, it goes to my amendment in many ways.

The Senator comes over here and talks about her philosophy of government. I am talking about people, people who are going to be impacted by a bill that is based on an excellent idea. The Senator from Texas talked about how she was in State government. I was in local government. I come out of the grassroots. In my first campaign, I knocked on every door in my county. I lost that one. But I won the second one, 4 years later. And I have won every one since.

The reason I think I won these elections, sometimes unexpectedly, is because I said to the people of my State, "I will go and fight for you. I will walk hand in hand with the Republicans when I agree with them, but when they go too far, I will fight for you." So the Senator from Texas talks about her philosophy of government. I want to talk about the people. I like the idea of looking at costs when we write laws.

I loved S. 993, which the Senator from Idaho wrote in the last Congress. It had very strong bipartisan support. It forces Members to look at the costs. On this chart, it ended over here. It was very doable and workable. And now it has been changed. We have hurdles set up, not only for the bills but for every single amendment. Maybe there are some here who think that everything we do here is bad. I do not think that everything we do here is bad. Some of the things maybe, but there is a lot we do that is good.

I found it interesting that the Senator from Texas says, "Texans can take care of Texas." That was not the case when they had a flood, as I remember it. And I was happy to help her constituents. I say to my colleagues, be careful in your rhetoric. There may be times when you will have floods in the Midwest, tornadoes, storms. There was a horrible one in Tennessee, I remember, after my friend who is in the chair was elected. It was a terrible problem.

I believe that all levels of government should work together. We are not enemies of each other; we are not enemies of each other. We are all in it for the same purpose. Sometimes, it will make sense for the local government to be in complete control of everything that goes on. Sometimes it should be a partnership.

My friend from Texas talked about the founders. If the founders took a look at these charts, they would roll over in their graves. They were very clear thinkers; they were very clear thinkers. Why we want to set up these hurdles on every single U.S. Senator is something I find hard to understand.

That is why I am offering my amendments. I would not have offered the amendments to the former bill because that bill made sense. This bill goes too

far. If there is an outbreak of E-coli in the meat supply, as Senator MURRAY said, she wants to act. If there is cryptosporidium in the water supply, it kills people. Who does it kill? The frail elderly, the children, and it harms the pregnant women and the children they are carrying. All we are saying is: Make another exception. You have made other exceptions in this bill. If we mean that our children are important, make an exception for those children.

Let me read for my friends here from a very important paper, "Health Effects of Ambient Air Pollution." As I understand it, my friend from Texas has a bill that would postpone implementation of the Clean Air Act. What does that mean to one part of my State? It would, in fact, reverse the progress we are making and we would see a continuation of the costs of dirty air approach $9 billion, just in Los Angeles. If we clean up the air, we will save $9 billion. Does that go into this formula? No, it does not. We do not believe that savings is in this.

I also have to say to my friend, she says Texans can govern Texas and Californians can govern California. Of course, we can. There is a role for State government, and there is a role for local government and a role for Federal Government. But I have news for her. We had a Civil War. We decided we were one Nation under God. We are not enemies of one another. I love to work with Governors and State-elected officials and local officials, of which I was one. We are not enemies.

The American people, in a recent poll in the Wall Street Journal, a couple of days old, said it is up to this Government to act to protect the health of the people, the environment; only 9 percent of the people think there is no use for the Environmental Protection Agency. Let me repeat that: Only 9 percent of the people think there is no use for the EPA, the Environmental Protection Agency, and the Environmental Protection Agency supports my amendment. It is unusual for them to send a letter. They sent it on this amendment, because Carol Browner, who comes from the State of Florida, who understands the role of State government, who supports deregulating, says this is an important amendment.

Listen to what the American Lung Association says:

> The young, the old and the chronically ill are usually assumed to be at high risk for many forms of air pollution. Much experience leads us to expect that immature, growing bodies will be highly vulnerable to all sorts of environmental stresses in comparison to healthy adult bodies. A more specific concern is that children breathe more air for a given volume of lung tissue than do adults; likewise, much experience leads us to expect that bodies debilitated by disease (that is the frail elderly) or by the inevitable loss of function with advanced age will be highly vulnerable.

My friend from Mississippi says, "What do you mean by the frail elderly?" I tell you, read the American Lung Association. "* * * bodies debilitated by disease or by the inevitable loss of function with advanced age will be highly vulnerable."

They cannot put on a pinstriped suit and come in here and take me to lunch and tell me why it is so important to protect them. They just want to be grandmas and grandpas and great grandmas and great grandpas, and live in peace and drink the water, breathe the air, and kiss their great grandchildren, and pass on the family values that are so important to everyone in this Senate. I have yet to hear a Member who did not talk about family values. We better value the family of humanity here in America because if we cannot act with speed, deliberate speed, when there is an outbreak of some poison in the water, some chemical in the water, we are putting those people at risk.

Maybe you will change your mind if it happens to be your mother or your father or your pregnant daughter. I hope we are never in that situation where I have Members coming to the U.S. Senate floor saying: Senator BOXER, you were right; we should have done this. We cannot act. We are tied up in knots. I cannot even offer an amendment.

Why are we here? We are not here to please Governors. We are not here to just deal with the process.

That is why I like last year's bill. It was sensible, it was sound. It treated us like grownups. Let us get a cost estimate. If we do not have it, there is a point of order against the bill and we have to stand up and be counted if we, in fact, pass a law that costs some money.

By the way, I am very willing to put the money behind anything I believe in. I think that is the right way to be. I think we should move in that direction, but to tie us up in knots?

By the way, I also have to make a point here. In the committee, I say to my friends, I offered a sunset amendment. I said, "Look, this may be a great bill, but let's analyze it in a few years." They said, "Oh, no, no, no, we do not want to do that."

I said, "OK, I'll offer an amendment for 3 years," and then I sunsetted it at 5 years, then I sunsetted it out in 2002. No, Republican party-line straight vote, no sunset.

So when I hear my friend say, "If this doesn't work, we'll change it," I think it is a little disingenuous because we offered a sunset provision out as far as 7 years and could not get a Republican vote.

The PRESIDING OFFICER. The Senator's time has expired.

Mrs. BOXER. I yield the floor and reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, will you please notify me when I have spoken for 4 minutes?

I just came from a press conference. That is why I had to leave for a few minutes. At that press conference, we had mayors from around the country. We had Victor Ashe, from Knoxville, TN. We had Greg Lashutka, who is Senator GLENN's mayor, from Columbus, OH; Rich Daley, the mayor of Chicago—all of them in strong support.

The press conference was to announce strong support for S. 1 and the fact they appreciated S. 1 has as its core S. 993. But that we have taken a good step forward. That is what S. 1 is.

At any point during this process, if you truly have an emergency situation, you can seek a waiver. These points of order are not self-executing either, Mr. President. Someone will have to raise that point of order, and if you truly have some true national emergency, I really do not perceive someone is going to try to stop the process of dealing with it.

I do not want the Senator to feel that those who may oppose the language of her amendment are against in any way the elderly and children. I appreciate the sensitivity by which she has addressed the issue of the elderly and the children.

I have said many times that S. 1 is a carefully balanced bill. It is a bill that has bipartisan support because we have addressed these issues. A number of Senators have expressed concern that exemptions need to be added to the limited few that are in S. 1. But I do not share that view and for a number of reasons.

First, remember this is a bill that is prospective in nature. It only applies to new mandates contained in legislation considered in Congress after next year. So it is impossible that this bill would harm the current environment, public health, and safety.

S. 1 is a process bill. It reforms the process by which Congress considers legislation imposing mandates. It is a process bill for making better decisions in the future about issues that affect State and local governments and the private sector. So nothing in this bill affects in any way the current health, job safety, or the environment of any citizen.

Let me emphasize a provision in this bill that directs committees to report on the costs and benefits on health and safety and protection of the natural environment. We will have more information to make better decisions. S. 1 is not a ban on mandates. As the sponsor of this bill, I may well vote to waive this point of order sometime in the future.

With respect to the issue of the elderly and children, let me mention what I think is quite straightforward. State

and local officials, more than Congress, work on these issues hands on. These are the real world day-to-day facts of life that State and local officials care about. They want clean water, clean air, safe working conditions just as we do. They want to care for their neighbors, their elderly and those who need help.

Unfunded mandates, unfortunately, keep State and local officials from taking meaningful action to improve public health and safety. Examples of that are boundless and have often been cited on the Senate floor.

The reason why unfunded mandates are counterproductive is simple: States and cities have to use discretionary dollars that would have been spent on other programs to pay for mandates. States and cities have fixed costs that they must pay. They have to pay for sewers and roads and police and fire.

I noted with keen interest the comments made by the other distinguished Senator from California, Senator FEINSTEIN, when we began debate on this bill. And she said, and I quote:

> Let us take Los Angeles County. To meet Federal mandates and still balance its budget, the County of Los Angeles has to curtail significantly other programs. For example, this year—

The PRESIDING OFFICER. The Senator's 4 minutes have expired.

Mr. KEMPTHORNE. Thank you, Mr. President.

> For example, this year, Los Angeles County employees would have to forgo cost-of-living and other wage adjustments, and aid to indigents will be substantially reduced. Several libraries are being closed * * *. Recipients of welfare and public health services will face longer waits due to minimal county staff.

Let me read a quote from the National School Board Association, President Boyd Boehlge:

> The very children Congress is trying to protect are the ones who are hurt most often by proliferation of unfunded mandates.

To accept further some unfunded mandates to the process or exemptions in S. 1 seems it could lead to the imposition of more unfunded mandates in the future. It is a process so that we can have these discussions. This is where those discussions should take place, recognizing that we do have State and local officials who realize their responsibility and are looking for a partnership instead of just dictates from their Federal Government.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Five seconds. The Senator's time has expired.

Mr. KEMPTHORNE. Mr. President, I yield back the remainder of my time.

Mrs. BOXER. Mr. President, how much time do I have to close?

The PRESIDING OFFICER. You have 6 minutes 14 seconds.

Mrs. BOXER. Thank you, Mr. President. I am going to close debate at this point. I want to thank my colleagues on both sides of the aisle who participated in this debate. I think this was a very important debate, and I think the vote is very important as well.

I want to say to my friend from Idaho that, again, he talks about how the mayors want this. My mayors like the impact of this as well, but when I met with them and I explained the amendment that I had offered, they did not object to what I am trying to do. They understand that we have to be reasonable people.

My friend says, "Oh, its real easy, you come to the floor and you just get everything waived and everything works fine." I say to my friend from Idaho, the author of this bill, that if it is so easy, why does he have any exemptions whatsoever? I think it is a very important point that he address in his own mind. If this is such a straightforward bill, if any Senator can get on this floor and say, "Look, this is so important, I want a waiver," why does he have any exemptions in this bill? And he does have exemptions in this bill. It currently shields constitutional rights, discrimination, national security, and implementation of international agreements such as NAFTA.

Now let me say something. It shields international agreements, such as NAFTA.

What about children? Are our American children as important as an international agreement such as NAFTA? Are our pregnant women as important as an international agreement such as NAFTA? I think so. If there were no exemptions in this bill, I think that the manager of the bill would be intellectually correct when he says it is easy; any Senator can get a waiver. Then why did he put exceptions in the bill? And why does he oppose our adding a very narrow group of people who cannot come here and lobby, of people who do not have a powerful voice but are the most vulnerable of populations?

Now, I read to you before that the lung association feels very strongly that children are very vulnerable to chemicals, to pesticides, and to other things in the environment that harm them more than they harm adults.

Right now, when our agencies set limits on chemicals and pesticides, they use a healthy 170-pound man as their model. But now we know that children are more vulnerable than a 170-pound man, that the frail elderly are more vulnerable than a 170-pound man, and certainly a child who is 5 years old or less is vulnerable and they are getting cancers in greater numbers. And we are setting up hurdles here that my friend from Idaho says is just a process. It is just a process.

Well, we know what process means around here. We had enough filibusters from the other side last year. We know what happens to bills when there is a process. The bills die. So therefore when we have a process bill that sets up all this bureaucracy, we have to say to ourselves, well, wait a minute, there are some people in our society that really should not be impacted by this process, by endless chitchat, by unelected officials in the CBO and the parliamentarians.

I say to them, I think you are great, but the people of California did not elect you to decide whether my amendment would get to the floor without a point of order. They want me to be able to offer my amendment. If I can persuade the people here, fine. If I lose the fight, at least I waged it. They do not want me stopped by process. If I am stopped by substance, that is fine. That is why we want to add to the exceptions this very narrow group.

Now, listen to what is stated in this book. I told you before, I lost one of my constituents to cancer, a little girl, Colette Chuda, and her parents are working very hard so that other little babies, our children, our grandchildren, do not have the same fate, and they funded an environmental study. I wish to quote from it in part.

> An estimated 8,000 children under the age of 15 are diagnosed with cancer in the United States each year. Brain cancer and leukemia are the most common childhood cancers.

My friends, I want to tell you right now as we speak I have two friends in the House of Representatives, one who has a little tiny baby with brain cancer and the other who has a youngster about 19, or in his 20's, with leukemia; perfectly beautiful children.

> Incidence rates have increased for the majority of these malignancies with the greatest reported increases occurring for acute lymphatic leukemia and brain cancer.

These are the biggest increases. You can talk about mayors; you can talk about Governors; you can talk about a contract. I admire you. I am talking about kids. I do not want to get them caught up in this maze. You did not have it last year, but you have it this year.

The PRESIDING OFFICER. All time on the amendment has expired.

Mrs. BOXER. I hope you will join with me and vote for this amendment.

I yield back the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. I appreciate the arguments made by the Senator from California.

I move to table her amendment and 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. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that when the Senate turns to amendment No. 187, it be considered and debated along with No. 188; that there be 30 minutes total equally divided in the

usual form for debate on both amendments; that no amendments be in order to either amendment; and that following the conclusion or yielding back of time the majority manager or his designee be recognized to move to table amendment No. 187.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

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

Mr. KEMPTHORNE. Also, Mr. President, I ask unanimous consent that following the disposition of amendment No. 188, the Senate resume consideration of the Graham amendment No. 183; that there be 10 minutes for debate to be equally divided in the usual form, and that no second degree amendments be in order to amendment No. 183, and that following the conclusion or yielding back of time the Senate proceed to vote on the Graham amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. No objection.

Mr. GRAHAM. Mr. President, reserving the right to object, and I shall not, I just wanted to clarify, there will be agreed-upon substitute language offered for No. 183, and I wanted to clarify that the managers understand that and that will not be inconsistent with the prohibition on second-degree amendments.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I say to the Senator from Florida, I am not sure I have seen the modified language.

Mr. GRAHAM. I think the Senator's staff has seen the modification.

Mr. KEMPTHORNE. All right. Mr. President, then I would vitiate my unanimous-consent request with regard to the Graham amendment until I am sure I have seen the language.

The PRESIDING OFFICER. The request is withdrawn.

VOTE ON MOTION TO TABLE AMENDMENT NO. 202

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER (Mr. THOMPSON). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 44 Leg.]

YEAS—55

Abraham	Frist	McCain
Ashcroft	Gorton	McConnell
Baucus	Gramm	Murkowski
Bennett	Grams	Nickles
Bond	Grassley	Nunn
Brown	Gregg	Packwood
Burns	Hatch	Pressler
Chafee	Hatfield	Roth
Coats	Helms	Santorum
Cochran	Hutchison	Shelby
Cohen	Inhofe	Smith
Coverdell	Jeffords	Snowe
Craig	Kassebaum	Stevens
D'Amato	Kempthorne	Thomas
DeWine	Kerrey	Thompson
Dole	Kyl	Thurmond
Domenici	Lott	Warner
Exon	Lugar	
Faircloth	Mack	

NAYS—44

Akaka	Feinstein	Lieberman
Biden	Ford	Mikulski
Bingaman	Glenn	Moseley-Braun
Boxer	Graham	Moynihan
Bradley	Harkin	Murray
Breaux	Heflin	Pell
Bryan	Hollings	Pryor
Bumpers	Inouye	Reid
Byrd	Johnston	Robb
Campbell	Kennedy	Rockefeller
Conrad	Kerry	Sarbanes
Daschle	Kohl	Simon
Dodd	Lautenberg	Specter
Dorgan	Leahy	Wellstone
Feingold	Levin	

NOT VOTING—1

Simpson

So the motion to table the amendment (No. 202) was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 173

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that we vitiate the yeas and nays on the next Levin amendment.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I will not object. I just want to be certain about this. I do support vitiating the yeas and nays and then we would proceed to the consideration of the amendment, is the Senator correct?

The PRESIDING OFFICER. That is the order.

Without objection, the yeas and nays are vitiated.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 173) was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 183, AS MODIFIED

Mr. GRAHAM. Mr. President, I send a modification to the desk on my amendment No. 183.

The PRESIDING OFFICER. The Senator has that right.

The amendment will be so modified.

The amendment (No. 183), as modified, is as follows:

On page 16, between lines 7 and 8, insert the following:

"(iii) if funded in whole or in part, a statement of whether and how the committee has created a mechanism to allocate the funding in a manner that is reasonably consistent with the expected direct costs among and between the respective levels of state, local, and tribal government.

Mr. GRAHAM. I ask unanimous consent that there be 10 minutes of debate, equally divided, on the amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, as modified, the amendment has been reviewed by both managers, and I believe it will be accepted. I will not ask for a rollcall vote on this amendment.

Mr. President, this amendment, I believe, closes the loop to the extent possible on an issue within this bill. A fundamental purpose of this bill is to identify mandates which the Federal Government might, at a future date, be proposing to impose upon States, local governments, or tribal governments, and then as the preferred option, to have the Federal Government pay the cost of those mandates.

This amendment goes to the issue of how that appropriation to fund the mandate will then be allocated back to the States, local governments, or tribal governments, which had created the need for that funding in the first instance because they were the object of the mandate. There are at least two issues which I believe this amendment will deal with. One is the issue of where the mandate is imposed on a particular level of government. For instance, a mandate is imposed on school districts because of requirements made to them that relate to the educational or noneducational activities that are conducted by schools. If school districts are the level of government upon which the mandate falls, then school districts should be the level of government that receives the funds which we appropriate for the purpose of alleviating the financial impact on that unit of government of the mandate which we have imposed. A commonsense approach.

Second is the distribution among units of government. We know that from time to time we will impose mandates that are not uniform across the country. They may be mandates that relate, peculiarly, for instance, to border States that have immigration problems, northern States that have heating problems, States that have specialized geological problems, such as those that would relate to earthquakes.

There should be a connection between the distribution of funds and where the mandate falls.

So this amendment states that if a mandate is funded in whole or in part, then the committee which has the responsibility for that particular legislation will contain in its final report a statement of whether the committee chose to allocate the money in a relationship to where the need was. They might indicate that they did not do so because of a deficiency of data upon which to make that judgment, or because they felt that the Congressional Budget Office's assessment of the locus of the need was irrational and, therefore, for good and sufficient reasons, adopted a different approach. Or should they have adopted the approach which the Congressional Budget Office utilized, how the committee has created a mechanism to allocate the funding in a manner which is reasonably consistent with the expected direct cost among and between the respective levels of State, local, and tribal government.

So, in summary, Mr. President, the purpose of this amendment is to link the mandate and the cost of that mandate to the method by which Federal funds will be allocated. I fear that if we do not have that linkage, we are going to end up with a school district—to use my first analogy—which had a mandate that costs that school district a million dollars, but because funds were not distributed in a manner consistent with how the need was assessed, they might only receive a fraction of that million dollars. So while we can say we funded the mandate on a global basis, as it relates to that school district, they are still carrying a heavy burden of an unfunded mandate.

I yield the remainder of my time.

Mr. KEMPTHORNE. Mr. President, I commend the Senator from Florida for his comments and for his diligence in working through the amendment which he has offered. I think his experience both as a former Governor and as a Senator has been very helpful in getting to this point.

On behalf of our side, I certainly will accept this amendment.

Mr. GLENN. Mr. President, I, too, want to accept on behalf of our side this amendment. I think the Senator from Florida has made a very good point here. He is fleshing out some of the things that needed to be spelled out better in this language. I compliment him on that. One of the things we want to make certain is that this is a workable document when it passes. He is addressing that problem. So we are happy to accept this on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 183), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I am pleased to rise as an original cosponsor of S. 1, the Unfunded Mandate Reform Act of 1995. As a long-time supporter and cosponsor of related legislation in the previous session of Congress, I welcome the leadership of the majority leader, Senator DOLE, and the bill's very able manager, Senator KEMPTHORNE, for bringing S. 1 before the Senate so expeditiously.

In addition to unduly burdening our local governments, Congress, in its Big Brother role, often ignores States' rights in determining what is best for the States. It also demands that the States figure out how to pay for those unwanted mandates.

In the last Congress, officials in my own State of Virginia made a clear case concerning the enormous burden of unfunded mandates. Virginia's finance committee staff conducted a review on Federal mandates and the burdens they exact. I would like to share some of those findings with my colleagues today.

While Federal mandates are in general the result of well-intentioned congressional action, State governments are all too often left holding the bag. Virginia views the pervasive Federal influence on its budget as a two-edged sword: Federal restrictions on the use of funds hamstring the Commonwealth's ability to determine spending priorities or respond to changing economic conditions.

In the Commonwealth of Virginia, at least 20 percent of the State budget is either driven, defined, or constrained by Federal laws, regulations, or Federal agency decisions. And, bear in mind, this is a conservative estimate—it does not take into account the impact of laws for which no systematic survey has been done.

Let's take a look at the ways in which the Federal Government impacts the Commonwealth of Virginia's ability to set budget priorities.

Recently, the Virginia Department of Environmental Quality estimated that it will cost local governments at least $1.8 billion over the next 20 years to build the waste management facilities that comply with Federal requirements. In addition to solid waste, the department has estimated that local governments will need at least $4.2 billion over the same period to construct new facilities or upgrade existing ones to satisfy the requirements of the Clean Water Act. And that's not the end of the crunch. The Safe Drinking Water Act will cost localities some $2 billion by the year 2000. Together, those mandates will demand approximately $700 million per year from local governments.

In Virginia, the greater Lynchburg area has a population of 165,000. Studies conducted by the Virginia Department of Environmental Quality indicated that the combined sewer overflow requirements of the Clean Water Act for this area will cost an estimated $200 million. The city of Richmond is similarly impacted.

According to a recent survey conducted by the Virginia Municipal League of Cities, the city of Danville, population 55,000, will be required to spend an estimated $1,058,000 to comply with the Safe Drinking Water Act for fiscal year 1995. Included in that estimate are monitoring costs, capital costs, and operation and maintenance costs for surface water treatment, lead and copper regulation, the total coliform rule, the fluoride rule, and standards under the national primary drinking water regulations.

ISTEA, section 1038 imposes a mandate to use waste tires—crumb rubber—in hot mix asphalt [HMA] and it will require Virginia to use approximately 4 million pounds of crumb rubber in 1997 and beyond. The average cost of hot mix asphalt in Virginia is about $27 per ton; the mandate to use crumb rubber will elevate the cost to approximately $55 per ton. And, while the requirement will use only 4 percent of the waste tires generated in Virginia, it will impose an annual cost of $6 million.

In addition to must do, no Federal funds, the infamous unfunded mandates, there are may do, must match and may do, must maintain programs, including education and health-related programs such vocational training, substance abuse and mental health block grants. These problems are largely voluntary, but Virginia participates wherever it can.

Finally we have may do, no match, which are largely grants—but Federal funds used for these programs may not supplant general funds provided for similar purposes.

And it is important to note that, unlike the Federal Government, Virginia has no choice but to balance its budget. Congressional good will and benevolence often translates into unexpected and unfunded burdens.

Two areas in which Virginia is constantly challenged are education and health care.

The Education for All Handicapped Children Act, passed in 1974 to mainstream special education students in public schools, was a vastly ambitious undertaking. Congress committed itself to providing 40 percent of total program cost. In reality, during fiscal year 1993, the Federal Government provided less than 8 percent of the funding necessary to fully meet the mandate.

The jointly funded Medicaid Program presents a particular dilemma for my State. Because of the relative affluence of Virginia, the Commonwealth must provide 50 percent of program costs.

But Congress determines minimum eligibility standards for Medicaid recipients, as well as the level of required service. While certainly well intentioned, congressional expansion of Medicaid is projected to cost Virginia more than $300 million over the next 2 years alone.

Virginia must also foot 50 percent of the bill for Aid to Families with Dependent Children [AFDC], and State costs should be close to $115 million per year over the 1994-96 biennium.

Unfortunately, the Federal Government continually uses its own fiscal problems to impose additional mandates on the States. There seem to be few, if any, incentives for Congress to halt the trend: mandates are almost magical, allowing Congress to fund costly programs without raising taxes or cutting other services.

Federal mandates continue to proliferate. In the 102d Congress, 15 bills were passed with mandates; the 103d had over 100 bills which include such edicts.

Several new mandates loom. For example, the Motor-Voter Act, which is expected to cost over $100 million in the next 5 years nationwide. I opposed the National Registration Act of 1993 and have cosponsored S. 91, to delay its implementation and put the brakes on a project for which there is no money in the pot.

Recognizing the unbearable burdens imposed by unfunded mandates is not enough. We must take steps to require the Federal Government to either shoulder its share of the burden or relieve the States from theirs. The measure before us seeks to accomplish this by requiring either full funding for costly new mandates or scaling them down commensurate with the level of available resources.

This is reasonable, rational policy which will not only be welcomed by the State and local governments—it will also provide Congress with a better, more structured framework in which to design new laws.

Mr. President, I urge my colleagues to give S. 1 the broadest possible support and move the bill towards final passage.

AMENDMENTS NOS. 187 AND 188

Mrs. MURRAY. Mr. President, I ask unanimous consent to proceed en bloc to amendments numbered 187 and 188.

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

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY] proposes amendments en bloc numbered 187 and 188.

Mrs. MURRAY. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

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

(The text of the amendments are printed in the RECORD of January 24, 1995, under "Amendments Submitted.")

Mrs. MURRAY. Mr. President, I rise this afternoon to discuss amendments I have filed on S. 1. I came to the floor last week to raise questions about the possible unintended consequences of this bill. I am not certain all my concerns have been addressed, so I want to talk about them a little more today.

My first amendment proposes that nuclear waste cleanup by the Department of Energy be exempted from S. 1. I filed this amendment because I am very concerned about the implications of this bill for cleanup of former weapons facilities that now pose environmental cleanup challenges.

Mr. President, Hanford Nuclear Reservation is in my State. It has nine shut-down reactors on the Columbia River. It has four processing plants. It has 177 nuclear waste tanks, 45 of which may be leaking. It has numerous waste dumps scattered around the facility. Of all our pollution problems, nuclear weapons plants like Hanford pose the greatest dangers to the environment. They have the greatest potential threats to human health and safety.

Mr. President, we won the cold war at this site. Now the bill is due; cleaning up Hanford is serious business. For the community; for the region; and for the country.

As many of our colleagues know, there is a process underway at Hanford—and many other DOE facilities—that governs the cleanup schedule. In Washington State, that process is embodied in the tri-party agreement between DOE, the State, and EPA. As a coordinating tool, this agreement works pretty well. It ensures everyone has a seat at the table. It sets cleanup goals. It emphasizes economic transition for the community. It gives people in my State access to DOE decisionmakers.

In reality, there are no unfunded mandates at Hanford. It is safe to say my State issues—and enforces—the largest hazardous waste permit in the world using voluntary authority under RCRA. For these activities, the State levies a tax on low-level waste producers. For its responsibilities under the Superfund law, Washington receives direct funding from DOE.

But these laws—RCRA, CERCLA, Federal Facilities Compliance Act, and others—do contain some mandates. And some day, Congress must act to reauthorize them. What happens if we reauthorize RCRA? If S. 1 is enacted, even the most modest changes in current law could unravel the triparty agreement. As I understand it, this would be possible because the occupant of the chair—or some bureaucrat at CBO—would have the power to:

Bring Senate action to a halt over a point of order; and

Force all kinds of studies and delay that would only confuse the cleanup situation.

What would happen if CBO intervention stalled consideration of the reauthorization, and the law lapsed? Would the Hanford permit expire, and the cleanup stall?

The people of Washington State do not want some unelected CBO bureaucrat arbitrarily deciding the pace of Hanford cleanup in the context of a budget point-of-order on the Senate floor.

My amendment is simple. It exempts nuclear waste cleanup from the procedures in S. 1, from points-of-order, from CBO review, and from any procedural wrangling that might jeopardize the orderly process of cleanup—for any reason. When we act to reauthorize RCRA, I want to be able to tell people in Washington State that we will have a law on the books to support cleanup. When we push through a reconciliation, or an appropriations bill, I want my constituents to know their interests will not fall victim to vagaries in new Senate debating procedures.

I offered this amendment for one simple reason: Some things are too important to subject to a new set of debating rules that we do not know will function as ordered. The bill acknowledges this in section 4, where it excludes a series of critically important areas of Federal law. It exempts civil rights and nondiscrimination laws. It exempts national security. It exempts emergency relief. These things are critical to the national well-being, and therefore kept out of S. 1.

Why not add to this list our most serious environmental challenges? It would seem to me a sensible precaution.

Mr. President, yesterday, the Senator from New Mexico [Senator BINGAMAN] offered an amendment very similar to mine. I want to thank him and commend him for bringing this very important issue to our colleagues' attention. He knows a tremendous amount about these issues.

Unfortunately, the Senate defeated his amendment, in spite of the very strong arguments he made. It is clear, therefore, my amendment will probably meet a similar fate.

I was disappointed to see the result of last night's vote on Senator BINGAMAN's amendment. He was raising very real questions about important, sensitive, high-risk areas of Federal law. Both his amendment and mine point out the potential uncertainties in imposing an arbitrary new set of debating rules on the U.S. Senate.

At the very least, I am hoping the managers of this bill can provide some clarification of their intentions vis-a-vis defense waste cleanup. I will pose these questions, and then yield the floor in hopes of getting some answers that will allay the concerns of people in my State.

First, do the managers intend that S. 1 have any adverse effects on DOE

waste cleanup efforts, and the ability of affected States and communities to participate therein?

Second, do the managers contemplate that S. 1 will lead to the change, repeal, or substantive alteration of any current law that enables DOE cleanup to move forward?

Finally, do the managers believe that consideration of current or prospective mandates pending on the Senate floor should delay consideration provisions in the same bills affecting DOE waste cleanup programs?

I assume no such onerous consequences are intended by the managers. But I do not see it written anywhere, and I would like to have verbal clarification of those issues.

Mr. President, I will conclude by saying the basic idea of S. 1 is good: That the Federal Government ought to help make Federal laws easier and less costly to implement. I support this basic idea, and I want to work with the managers to pass a good bill. But, like so many other broad-brush solutions we are hearing about these days, it is not as simple as it sounds. I look forward to hearing the answer to those questions and I reserve the remainder of my time.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I will not speak for the managers in response to the questions the Senator asks, but I might ask her to clarify a little further for me why anything has to be exempted here. We have an agreement, is that not right, that exists now?

The PRESIDING OFFICER. Who yields time?

Mr. DOMENICI. I think the manager yielded me time. I apologize.

Mr. KEMPTHORNE. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Maybe the Senator could explain to me, if you have an agreement out there now, how do you see this bill affecting that agreement? There is nothing in this bill that says this bill calls the agreement to be vitiated, canceled, or changed.

Mrs. MURRAY. I thank the Senator for his question. My question to the managers on this bill is if they see anything in this bill that would cause consideration for us and we do have to reauthorize RCRA, CERCLA, other bills coming up in the future, if at that time a bill has both mandates in it and nonmandates in it and the mandates cause the bill to be stalled in any way because we are waiting for something back from CBO, how will this affect cleanup efforts such as exist in my State and others?

Mr. DOMENICI. Well, they exist in my State also at a different level.

But I would just say to the managers of the bill and in particular the manager on our side of the bill, but I have spoken with Senator GLENN also, it seems to me we cannot say that any agreement predicated upon the laws of RCRA or any other environmental laws, that if those are changed in the future, we will hold anything exempt from it. That is future activities, to future agreements and understandings, but if RCRA is deemed to need reauthorization, we surely could not predict for the State of Washington, the State of Oregon, the State of New Mexico, many States that have DOD and DOE cleanup based on standards, we cannot say it will not have any effect on those. That is my position.

I hope the managers would say we are not exempting anything yet under this agreement or this bill. I do not think we should exempt things we do not even understand. I leave that up to the managers. I would surely recommend we not accept the amendment, and if the Senator desires that we have a clear exception for her State, that she work with the managers in some other way, but not exempt entire situations such as this, that we do not understand. We do not know the consequences of changing RCRA on your State or any other State. I yield back the remaining time.

Mr. KEMPTHORNE. Mr. President, I yield myself 4 minutes.

Mr. President, I would like to respond to the questions that were posed. Do the managers intend that Senate bill 1 have adverse effects on DOE waste cleanup efforts and the ability of affected States to participate therein?

No, I have no intention, whatever, that this would have any adverse affects on DOE waste cleanup.

I say that, Mr. President, as a resolution of the State of Idaho, which also has significant DOE waste cleanup problems. So I would not be an advocate that in any way would adversely affect DOE getting on with the cleanup of Hanford, for example, or projects in the State of Idaho.

The second question that was asked, do you contemplate that Senate bill 1 will lead to the change, repeal or substantial alteration of current law that enables DOE cleanup to move forward? No, Senate bill 1 will not lead to that. Senate bill 1 is simply a process. It would be a different motivation. Senate bill 1 also is prospective so that those mandates that are on the books now, even under reauthorization, those that are currently on the books would not come under the process of Senate bill 1. Any changes to that, to those mandates, yes, they potentially would be subject to Senate bill 1 and then we would have to go through the process. But, no, S. 1 would not be the impetus to cause that to happen.

On the third point, I am not sure that I understand it so I would be more than happy to have our respective staffs get together and discuss that. Again, I understand your concerns with the Hanford facility. I have concerns with similar situations in the State of Idaho.

I yield to my colleague from Ohio 2 minutes.

Mr. GLENN. Mr. President, I would respond in much the same way. There was this in here, nothing in S. 1, that gives anyone any authority to go change any agreement that is in affect. It could not be interpreted that way to the best of my knowledge.

In the amendment that was proposed by the Senator, the provisions of this act and the provisions made in this act shall not apply to any agreement between the Federal Government, State and local tribal for the environment restoration and waste management.

Nothing in here could change, nothing does change, nor could it change any agreement that is in effect right now. I hope that takes care of concerns.

The cleanup efforts which the Senator from Idaho mentioned just a moment ago, that it would not affect cleanup efforts, is a little bit different than the agreements that were specifically addressed. Cleanup efforts are something that are going on under those agreements, slightly different. But this would not change either the level of cleanup efforts that are provided for by other budgeting and other laws, nor would it change any agreements between the Federal Government, State, local, or tribal governments which the Senator is addressing.

I want to compliment the Senator for looking at this. I know the problems in the State of Washington. Hanford is one of if not the very largest problem areas we have in the way of nuclear cleanup. I have been involved with that ever since 1985 when we started some of the studies at Fernald in Ohio, some of the difficulties in the nuclear weapons plants all over the country and wound up with some 17 different sites in 11 different States of which Hanford is one of the most important sites. It has more problems there for environmental restoration than almost any other site in the country. Many, many, billions of dollars.

I would only add since the cleanup effort was mentioned here, when we first started this back in 1985 and had the first surveys run of all the 17 sites all over the country, it was indicated by the Department of Energy that they thought we could probably clean these up at an expenditure of $8 billion to $12 billion.

Unfortunately, we have taken a new look at this whole thing. It has gone up and up and up, and the current estimate is right around $300 billion over a 20- to 30-year period to do the cleanup that is necessary. And the major place that will need cleanup is in the State of Washington at Hanford. I compliment the Senator for looking out for this and would not want to do anything

that would mean we would have lesser expenditures or anything in that legislation would change the agreements that are in existence now between the Federal Government, State, and local governments in that area.

I think, that we have addressed in this colloquy the concerns that the Senator from Washington had. I yield the floor.

Mrs. MURRAY. Mr. President, I thank the managers of the bill for their responses to these questions and for their obvious concern for continuing cleanup at the Hanford site in my State. It is, indeed, a deep concern to the people of the State of Washington that we do this. We built this facility, used it for a national purpose, and we want to be assured that it is going to continue to be cleaned up and share your concerns about the costs. But we want to know that we are not going to be at some point unable to continue that cleanup. I appreciate your concerns.

I understand the managers are willing to prepare a colloquy for the record to respond to my questions, to protect cleanup at Hanford. I will be prepared to withdraw this amendment after I speak to my other amendment.

Mr. KEMPTHORNE. Mr. President, I would yield myself 1 minute. In responding to my friend from Washington, not only are we neighboring States, but the concerns that the Senator just expressed, again, echo many of the concerns that we in Idaho have.

I think on this nuclear issue in the future, nuclear waste, et cetera, there ought to be an opportunity for these Senators to begin to forge a partnership to deal with this issue. So I would look forward to that opportunity because I think we understand one another.

Mrs. MURRAY. Mr. President, I thank the Senator from Idaho, and I look forward to working with the Senator on this very important issue.

Mr. President, I will continue speaking to my second amendment, I want to be assured as we go through this debate that we will not be creating a big, new, powerful bureaucracy at the Congressional Budget Office. Mr. President, I believe that most of my concerns were addressed through the adoption of the Levin amendment and through the defeat of the committee amendment that would have severely curtailed the Budget Committee's role in this process.

In order to make sure that all my concerns have been thoroughly understood, I do want to make a statement now about what those concerns are. Mr. President, I am troubled by the fact that S. 1 might give CBO tremendous new powers to dictate the Senate's legislative agenda. I have listened very carefully to the debate on this bill and I think it is fair to say that we all agree it is our responsibility, our responsibility as legislators, to act carefully as we set policy for the people we represent.

I would like to support a bill on unfunded mandates that is reasonable and reflects common sense. Mr. President, before the adoption of the Levin amendment and several others, this bill went too far. The people of this country should understand exactly what this bill does. Everyone of us here in this Chamber, everyone of the people in the galleries, everyone watching us on C-Span, and everyone in this country has to realize that this bill will create a new bureaucracy at the Congressional Budget Office. It will have wide-ranging powers.

The staff of that huge new bureaucracy will not be elected by anyone. They will not be accountable to the American taxpayers but they will have enormous power to control this legislative process. They can bring Senate debate to a halt on amendments or a bill or even dictate legislative schedule.

This vast new power should give everyone of us pause. That is why I asked outgoing CBO Director Robert Reischauer about this this morning at the hearing in the Budget Committee. Dr. Reischauer is a fair man, a fine public servant. So I asked him how this bill will affect the operations of CBO. I asked him how the CBO would prioritize requests for cost estimates that will come from the Senate and from the other body. Dr. Reischauer responded that the Congressional Budget Office staff was working "flat out"—those are his words, not mine—trying to fulfill their obligations to the Congress at this point.

Dr. Reischauer said that the CBO would need more resources if we enact this bill. Then, Mr. President, I repeated my question about prioritizing requests. I asked the Director how he would decide which mandate to estimate first. His reply, frankly, troubled me. He said the CBO would rely on the guidance of the bipartisan leadership of the Congress to decide which one to do first. And then he added that the CBO has tried that approach with the health care debate last year, and it was a failure. That should concern every one of us in this country.

Dr. Reischauer's response has raised even more questions in my mind, questions like: If I offer an amendment that does not have a CBO cost statement, what happens?

If a point of order is raised against my amendment, is my understanding correct that the procedure is for the Parliamentarian immediately to seek the advice of the Budget Committee on the cost statement?

Am I further correct that the Budget Committee will turn to CBO for its advice on the cost estimate?

Of particular importance to me is what sort of timeframe is provided for these cost statements?

Does the bill provide for any time limits on the Budget Committee and CBO's preparation of cost statements?

If the bill does not impose any time limits on the Budget Committee and, more importantly, CBO, what does the manager envision as reasonable time limits for this work?

How long does the manager envision the process taking?

How long, for example, does the Budget Committee have to get a reply from CBO?

How long does CBO have to reply?

More importantly, what happens while the Budget Committee and CBO are trying to prepare a cost statement? Is my amendment laid aside? For how long? Does the Senate keep working on underlying bills? If so, for how long?

Mr. President, I want to be able to assure my friends and neighbors that this bill will not take away their voice in setting priorities of the issues this body considers. They do not want unelected bureaucrats to determine which bills or which amendments will be brought up on this floor.

For example, the people of my State may feel that education reform should be Congress' top priority. But if the CBO analysts over in the office do not work on that bill, if they do not score it, Congress cannot consider it. The people of my State or your State, Mr. President, might want Congress to consider safeguards for school buses so they know their kids are safe riding on those buses to school everyday. But the bureaucrats at CBO might say, "Tough, I'm too busy; I don't want to score the bill for"—this Senator or that Senator. I have not gotten any guidance on that one.

The people of my State want to know that no matter where they go in this country, they do not have to worry about E. coli, but the budget bureaucrats can say, "Sorry, Senator MURRAY, we don't have time to score that amendment of yours which deals with a public health emergency."

I do believe we need reform. I believe Congress should be honest and up front with the American taxpayers about the cost of the laws it passes. But I do not believe that we should be creating new bureaucracies or putting American families in jeopardy.

Mr. President, it is my hope that the Levin amendment will go far in addressing some of the concerns I have raised, but I also hope that we are all taking into account this new bureaucracy that will emerge as a result of this legislation.

I thank the Chair, and I reserve the remainder of my time.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes remaining.

Mr. KEMPTHORNE. Mr. President, I would like to respond to some of the points raised by the Senator from Washington.

In this bill, we provide for additional funds to the Congressional Budget Office, knowing that we are giving them more assignments in the future to carry out.

Also, I will point out that the Commission that dealt with the staffing levels of the different committees that was headed by Senator DOMENICI and Senator MACK, at the very outset, we made sure that they knew there would be these new requirements on the Congressional Budget Office and, therefore, when they considered cuts across the board, that that is one area we had flagged for them.

Also, in determining the amount of money that we included in this legislation, that was done through the Budget Committee in continual consultation with the Congressional Budget Office, so they provided us the funds. That dollar amount came from the Congressional Budget Office as to what they felt was necessary in order to accomplish the requests and the requirements that we would put on them.

I appreciate the concern and the aspect about trying to bring about great efficiency for Congress, but I am afraid that the amendment offered may improve the efficiency, but it would make it much easier for Congress to go ahead and inadvertently impose mandates on States and cities.

The amendment says that if cost estimates are not available within 1 week for committee bills, the point of order does not lie against the bill. In other words, delay for whatever reason by CBO will moot the relief States and cities need from unfunded Federal mandates. If CBO needs time to do a good estimate, then there would be no estimate at all.

I think in this case it is better to inconvenience Congress than to impose mandates on States and cities that taxpayers must pay.

Mr. President, I reserve the remainder of my time, because the chairman of the Budget Committee was here and was going to respond to some of the specifics that the Senator had. He is not here at the moment. So, again, we reserve the remainder of our time.

Mr. LEVIN. Mr. President, I am wondering if the manager will yield for a question. I am afraid it will have to be on his time because I do not know if I can use the time of the Senator from Ohio, relative to this amendment. If the Senator will yield.

Mr. KEMPTHORNE. Yes, I yield.

Mr. LEVIN. Is it the intention, first of all, that the point of order apply to amendments that are on the floor that do not have the estimate?

Mr. KEMPTHORNE. I am sorry; will you repeat the question?

Mr. LEVIN. Is it the intention that this bill's point of order apply to amendments that do not contain the estimates?

Mr. KEMPTHORNE. With regard to mandates?

Mr. LEVIN. Yes.

Mr. KEMPTHORNE. Yes.

Mr. LEVIN. And is it the intention then, for instance, if somebody offers an amendment and it has an estimate in it but nobody knew that amendment was going to be offered, and then somebody wants to come and offer a second-degree amendment and then asks the CBO to score that or estimate the second-degree amendment, is it the intention of the manager that the Congress, as he put it, be inconvenienced, hold up consideration of the bill until the estimate can be obtained from CBO? Is that the intention, that we hold up consideration of the bill until an estimate can be obtained from CBO?

Mr. KEMPTHORNE. Mr. President, in response to that, the burden of proof in this case would be upon the Senator raising the point of order. The originator of the amendment is not required to get the CBO estimate. I think that it would be good government for anyone bringing an amendment that potentially could exceed the $50 million threshold in the public sector and $200 million threshold in the private sector, again, through the budget process. I know that has been the normal practice.

Mr. LEVIN. I say, if the Senator will yield, there has never been a point of order based on this kind of an estimate, costs on 87,000 jurisdictions, local governments. There is nothing like this in existence. That is why I phrased my question the way I did.

Somebody could offer a first-degree amendment and have an estimate because he or she knew they were going to offer a first-degree amendment, but nobody else in the body knew, and now with a first-degree amendment with an estimate being offered, somebody may say, "Well, wait a minute; I want to offer a second-degree amendment, and I better go get an estimate or my second-degree amendment is out of order."

I am just wondering whether or not, if a point of order is raised with that second-degree amendment, is it the intention of the managers then that the body hold up consideration of that second-degree amendment until an estimate could be obtained from the CBO?

Mr. KEMPTHORNE. Mr. President, again—

The PRESIDING OFFICER. The time for the Senator from Idaho has expired.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent for 2 minutes so I can complete the thought.

Mrs. MURRAY. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Two minutes.

Mrs. MURRAY. May I suggest we add 10 minutes for debate, 5 on each side, in order to clarify this question?

Mr. KEMPTHORNE. Mr. President, what I would prefer—and first let me ask unanimous consent for 2 minutes so we can resolve this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KEMPTHORNE. What I will suggest, because I would like to confer with the chairman of the Budget Committee, if the Senator will provide me those questions that she raised, I will be happy to then have a colloquy so we can go into those and deal with it.

But what we are doing in S. 1 is not anything new from what we do with appropriations where, if you have a second-degree amendment, you have the Budget Committee staff that is here make a telephone call to try to get an estimate by phone from the Congressional Budget Office.

So again the process itself is not new that we are suggesting.

Mr. LEVIN. I have no time to yield to myself and comment on that other than to simply say that this is a new estimate, the likes of which has not been made before, involving costs indefinitely into the future on 87,000 local governments. That is very different from any kind of a scoring that the Budget Office has done for a Federal expenditure up to now. I think my friend from Idaho would agree this is a different kind of estimate than has ever been done by the Budget Committee.

Mrs. MURRAY addressed the Chair.

Mr. LEVIN. I thank my friend.

The PRESIDING OFFICER. The Senator from Washington has 2 minutes remaining.

Mrs. MURRAY. I thank the Chair.

I have very serious concerns because I heard my colleague from Idaho, the manager of the bill, say that CBO had, indeed, requested, I believe, $4.5 million additional to take care of this bill.

It is my understanding—I see the chairman of the Appropriations Committee is in the Chamber; perhaps he can respond—that the legislative branch is going to have to reduce its budget by $200 million, and here we are telling everybody up front that we are going to ask for $4.5 million more for CBO just under a guess estimate of what this might have in the way of an impact on CBO, and I do think that is an important consideration we need to look at.

I appreciate the Senator's response that you would go into a colloquy with me and answer some of the questions raised both by myself and Senator LEVIN. I had intended to withdraw this amendment, but I would like to instead ask the manager—I intend to withdraw my first amendment—if he would agree to let me lay aside this amendment until we have the responses for my questions.

Mr. KEMPTHORNE. Mr. President, I have no problem with that.

Mrs. MURRAY. Mr. President, I ask unanimous consent then to lay aside amendment No. 188 and unanimous consent to withdraw amendment No. 187.

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

The amendment (No. 187) was withdrawn.

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

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

The bill clerk proceeded to call the roll.

Mr. EXON. 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. EXON. Mr. President, as we move forward on the mandates legislation, I would like to read a portion of a newspaper article that appeared in the Omaha World Herald on January 24. The headline reads: "States Fear Mandates, Expert Says; Balanced Budget Could Mean More," by David C. Beeder, of the Omaha World Herald Bureau in Washington, DC.

The story reads:

States will not support a constitutional amendment to balance the Federal budget unless it includes a guarantee they won't have to assume more Federal programs, a former assistant attorney general said on Monday.

Charles Cooper, who practices consitutional law in Washington, said: "The States are already groaning under the cost of implementing Federal policies."

It goes on to say:

Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

I ask unanimous consent that, at the conclusion of my remarks, Mr. President, the full article be printed in the RECORD.

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

(See exhibit 1.)

Mr. EXON. Mr. President, I would simply point out that I am not sure that the States, the Governors or, for that matter, maybe some of the people in the United States recognize and realize the difficult financial circumstances that the Federal Government—that they are a part of—is in.

I am an original cosponsor and am strongly for passing the mandates bill. I have been one of the floor leaders on this piece of legislation. I predict that we will pass this legislation. I will protect the rights of those who wish to offer amendments. I think they have that right under the rules of the Senate, and I will do everything I can to protect that.

But I would simply say, on a very important bill like this, every Senator, regardless of which side of the aisle, should have the right to get up and offer amendments as they see fit. Then the body as a whole has to vote as to whether or not that is a good concept.

The mandates bill is going to be followed, I suspect, in reasonably short order by some kind of a discussion on the balanced budget amendment. And they are somewhat tied in. While the States are now moaning and groaning—and I think justifiably so—with regard to so-called unfunded mandates, unfunded mandates, unfortunately, have taken on a very big life of their own.

The facts of the matter are that many of the States of the Union, including my State of Nebraska, get more money back from the Federal Government than the State of Nebraska pays in. The last figures I saw are that Nebraska gets back about $1.17 for every $1 that Nebraska citizens pay into the Federal Government in the form of Federal taxes.

Now, one could argue, and probably justifiably so, that the total amount of taxes could be reduced if the Federal Government would go back and reduce some of their spending. And I would agree with that. That is what we are about with the constitutional amendment to balance the budget, when and if that becomes a part of our Constitution.

I simply am rising, Mr. President, to send a signal very loud and very clear that this is not a one-way street. If we are going to exempt the States and hold them harmless, if we are going to start down the list and begin to exempt a whole lot of other people, then it will make it totally "Mission Impossible" to ever balance the Federal budget, let alone by the year 2002.

Everyone should recognize and realize that, when we get spelled out in considerable detail a 7-year budget plan that I think can and should be developed by the Budget Committee and presented to the Senate floor, it will be very evident there is going to be a lot of pain and suffering, a lot of disappointments. And I would simply say that, by and large, I am not interested in starting down this road of exempting this and exempting that, because I think this is going to be a painful enough process.

Therefore, I salute those who are bringing up questions about the mandates. Those of us who have long supported a constitutional amendment on the Federal budget recognize and realize that there are two legitimate points of view. There are those who strongly oppose the mandate legislation and there will be even more that will strongly oppose the follow-on piece of legislation known as the constitutional amendment to balance the budget.

I think those who do not agree with this Senator perform a very worthwhile service, because, as is usual with most discussion and most propositions, there are two sides. All is not white and all is not black or vice versa.

With that, Mr. President, I just want to say that there are some people, including Mr. Cooper who I have quoted from this story, who simply do not understand the situation. And when he says he is for a balanced budget amendment so long as the States are protected, then that is a caveat that I think we cannot accept.

I still am a strong supporter of the bill before us, but I am pleased to see there are some who do not agree with this piece of legislation and have pointed out some shortcomings with this legislation. They are providing a great public service. I suspect that there have been few, if any, bills that we have ever passed in the U.S. Senate, regardless of how well-sounding they are, that are perfect legislation. The mandate legislation is not perfect legislation. It will not cure all of our ills.

When and if we pass a constitutional amendment to balance the budget by the year 2002, and if that is ratified by 75 percent of the States, that is not going to cure all of our problems. The devil is definitely going to be in the details when we get down to such matters as a constitutional amendment to balance the budget.

I thank the Chair and I yield the floor.

[EXHIBIT NO. 1]

[From the Omaha World Herald, Jan. 24, 1995]

STATES FEAR MANDATES, EXPERT SAYS

(By David C. Beeder)

WASHINGTON.—States will not support a constitutional amendment to balance the federal budget unless it includes a guarantee they won't have to assume more federal programs, a former assistant attorney general said Monday.

"The states are already groaning under the costs of implementing federal polices," said Charles Cooper, who practices constitutional law in Washington.

Cooper, testifying before the Joint Economic Committee, said approval by three-fourths of the states will require a constitutional guarantee against giving state and local governments programs without the money of pay for them.

He said passing a law barring unfunded mandates would be inadequate protection for the states.

"The requirements of a balanced budget amendment would increase exponentially the incentives for shifting federal financial burdens to the states," Cooper said.

Cooper, who served in the Justice Department during the Reagan administration, said he supports a balanced budget amendment.

Cooper's testimony was followed by a warning from Assistant Attorney General Walter Dellinger, who said a constitutional amendment to balance the budget could not be forced.

"It would be wonderful if we could simply declare by constitutional amendment that from this day forward the air would be clean, the streets would be free of drugs and the budget forever in balance," Dellinger said.

"In the absence of enforcement mechanisms such as presidential impoundment of funds or judicial involvement in the budgeting process, a balanced budget amendment is unlikely to bring about a balanced budget," Dellinger said.

Sen. Connie Mack, R-Fla, said Dellinger's arguments were not "of such magnitude that we should not move forward" with an amendment that would require a balanced budget by 2002 and a three-fifths vote to increase taxes.

Mack said he would recommend enforcement of the balanced budget amendment by a spending-reduction commission resembling a presidential commission that decided on military base closing two years ago.

If Congress did not balance the federal budget by 2002, as required by the amendment, the commission would recommend spending reductions to meet the requirement. Congress would accept or reject the recommendations without debate, Mack said.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may speak for up to 5 minutes as if in morning business.

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

THE PRESIDENT'S STATE OF THE UNION ADDRESS

Mr. SPECTER. Mr. President, I note that there is no other Senator seeking recognition at the moment. I would like to comment briefly about the President's State of the Union speech last night.

I thought that the President received the most applause of the evening when he talked about reducing the size of Government. And I think if there is one message which has come out of last November's election it is that the people of the United States want to reduce the size of the Federal Government. That is right in line with the pending legislation which refers to eliminating unfunded mandates so that if the Federal Government has legislation which the Congress wants to pass and that it represents a worthy Federal objective, let the Federal Government pay for it. Let us not keep putting one after another requirements on the States for the States to pay for what we decide what we want them to do. That, of course, is in accordance with the basic principle of federalism that we should have a central Government of limited powers.

When the President read that line in his speech last night about smaller Government there seemed to be the greatest unanimity in the Chamber than there was on any other point.

A number of things that the President had to say I thought hard to achieve. I believe it will be very difficult when he talks about a tax cut which is obviously, very, very popular, to do so in the context of still cutting the deficit and in the context of increasing other governmental expenditures, as, for example, the defense budget. I believe that the defense budget is now too lean. I would like to see a tax cut. But I am not prepared to enter into the competitive bidding on a tax cut if it will mean adding to the deficit. The way we are looking at this budget, realistically when we talk about a middle-income tax cut and we figure how much it is on a per person basis, that it is more important to avoid increasing the deficit in the United States today.

I was a little more than surprised when the President talked about the North Korean agreement and talked about continuous inspections. That is not the agreement that I have read. The agreement that I have read puts a 5-year moratorium on inspections on spent fuel rods, which is the best way for determining whether there is the development of nuclear weapons by North Korea. I have grave reservations about that agreement as to its substance, and that line particularly, and also the way it has been adopted.

As I read that agreement it has all the indications of a treaty, and under the Constitution the treaty has to be ratified by the U.S. Senate. There have been a number of concerns raised in a number of quarters but so far it is an executive agreement and it has very, very profound implications for the United States. Now only $4 billion is involved and the United States is the guarantor of that, but the moratorium on inspections, I think, poses very, very substantial risks.

When we had hearings in the Intelligence Committee, the Senate Intelligence Committee, a committee which I Chair, I was very concerned when the intelligence officials could not give any assurances or any real ideas as to how long it might be before North Korea would have sufficient ballistic capability to reach the continent of the United States. In the course of that hearing, it was disclosed that North Korea could now reach Alaska. It was disclosed further that North Korea and Iran are working jointly on testing ballistic missiles.

I was very much concerned, Mr. President, about the very limited attention given in the President's very long speech, very limited attention given to foreign policy. He spoke for 1 hour and 21 minutes, which some may have considered a little long. A little easier when you are watching C-SPAN 2 or watching the national networks. You have greater control over the length of speakers. You have the "off" button. Perhaps many people are using it now on C-SPAN 2 as I make these few comments. The paucity, the scarcity of comments about foreign policy I thought was revealing and rather indicative of the lack of experience, lack of capability, and, perhaps, lack of interest that is coming out of the administration on this very important issue.

I think in toto, Mr. President, the most telling aspect of the speech last night was the partisanship in the Chamber. That was the 15th State of the Union speech that I ever heard. I have not seen so much partisanship with one side clapping virtually at every sentence and the other side in stony silence on so many of the ideas which were advanced. When I sense that kind of partisanship, it looks to me like we are going to be in for a very tough year. I am hopeful that we will be able to put aside partisanship and really move toward centralism with both parties in addressing the really tremendous problems which confront the people of this country: crime control, nuclear proliferation, health care reform, just some of the problems which we have to address in the national interest.

I thank the Chair and I yield the floor.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 198

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate considers amendment numbered 198, that there be 20 minutes for debate to be equally divided in the usual form, that there be no second-degree amendments in order, and that following the conclusion or yielding back of time, the Senate vote on the McCain amendment.

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

Mr. KEMPTHORNE. I yield the floor.

Mr. McCAIN. Mr. President, I thank both my friend from Idaho and the Senator from Michigan for their cooperation on this amendment. I believe it is an important amendment. I talked about it at length yesterday, Mr. President, and I know there is significant pending business before the Senate. I believe we now still have about 30 more amendments to consider, so I would be more than happy to yield back the balance of my time if that is acceptable to both managers of the bill.

Mr. President, I ask unanimous consent to request if the Senator from Michigan or the Senator from Idaho have any further discussion on this amendment?

Mr. LEVIN. Mr. President, I wonder if my friend from Arizona would yield for a question.

Mr. McCAIN. I would be glad to yield.

Mr. LEVIN. A question has arisen as to whether the words "any legislative provision" on line 7 of his amendment are intended to mean, in effect, authorizing language.

Mr. McCAIN. It clearly means any authorizing language.

Mr. LEVIN. I thank the Senator from Arizona. My understanding is that the manager on this side supports the amendment. I understand that Senator BYRD is supportive of the amendment, and I would be happy to yield back any time that I might control.

Mr. McCAIN. I yield back the balance of my time.

The PRESIDING OFFICER. All time is yielded back. The question is agreeing to the amendment.

So the amendment, No. 198, was agreed to.

Mr. KEMPTHORNE. I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KEMPTHORNE. Mr. President, I want to thank the Senator from Arizona for his efforts and his diligence in that. I think it is a particularly important amendment that he has offered. I appreciate the manager on the other side of the aisle and his support on this.

Mr. LEVIN. Mr. President, on Monday night I had a lengthy colloquy with the managers, the principal sponsors of the bill, the Senators from Idaho and Ohio. A number of important questions were left unanswered. In some cases, the answers were conflicted. Those questions concern issues that are central to the way this bill will work. They need to be answered, I believe, before we conclude our work on this legislation.

These are the questions which I have, and I have given a copy of these questions to my friend from Idaho. I want to read them, put them in the RECORD, in effect, and ask they be answered by tomorrow at some point. I am not seeking an answer, one-by-one at this point, because they take some time, I would think, to attempt to answer, if, in fact, they can be answered.

Here are the ones that we had left outstanding. First, the effective date of the mandates. When is a mandate effective? That is an absolutely critical issue because that date sets off a 5-year time period and if during any one of those 5 years there is an estimate that the cost of the mandate is over $50 million, certain very significant things are triggered.

So it is critical to know when is a mandate effective, and we had a long discussion on that on Monday night with a chart.

If that is determined on a case-by-case basis, then who makes that decision and when is that decision made?

The second group of questions relates to the question of whether an estimate can be given in the form of a range; could an estimate be that that will cost from $20 million to $80 million a year, or any other range? And here the questions are as follows:

Can the CBO estimate be in the form of a range?

Can it be in the form of a range for the purpose of the threshold?

Can it be in the form of a range for purposes of the total cost estimate?

If the CBO reports a range, what is the "specific dollar amount" for purposes of the point of order? And who makes that decision?

Then there are a series of questions that relate to amendments and their coverage under this bill.

First, are the direct costs of an amendment, added to a bill in committee, to be included in the estimate of direct costs of the bill as reported?

What if the Senate rejects the committee amendment? For instance, let us say a bill is estimated to cost $30 million a year for each of the 5 fiscal years, so it is not over the threshold. But there is a committee amendment that has been adopted in committee that adds another $30 million a year to the bill.

If the $30 million committee amendment is added to the $30 million cost to the bill that was taken up by committee, that would put it over the $50 million and breach the threshold and the bill would not be in order to even be considered by the Senate. But is the committee amendment cost to be included in the cost of the bill before it is adopted by the Senate? It is technically not part of the bill until the Senate adopts it, even though the committee has adopted it.

If it is included in the bill, what happens if the Senate rejects the committee amendment?

Is an amendment offered on the floor subject to a point of order based on the estimate of direct costs of the amendment alone, or the amendment if added to the bill?

Is an amendment offered on the floor out of order if it does not have a CBO estimate of direct cost?

Then there are some questions relating to the exclusions:

Who will decide whether a bill is subject to one of the exclusions? We have a number of exclusions here and there are always going to be questions of interpretation as to whether or not an exclusion applies.

Who will decide that?

What will specifically be required to meet the terms of the bill with respect to a finding of emergency?

And then the final set of questions relates to the length of the estimate, and here, rather than addressing the problem through a series of questions, I will be seeking consideration tonight of one of my amendments which would place a time limit on the estimate.

I have given a copy of a modification to my amendment to the majority manager. I do not know if they have had a chance to look at the modification yet. But I will seek to get that issue resolved by a modified amendment.

The issue here is a kind of fundamental one. Once that threshold is breached, then you have to have an estimate of the direct costs of the bill or the amendment to State and local governments for as long as there are costs. Unless there is a sunset provision in that authorization bill, those costs have no time limit.

Then the CBO would be in the position of trying to estimate cost to State and local governments for decades, 50 years, 100 years. It is an impossible burden which will raise even greater questions about the accuracy of the estimate. An awful lot rides on these estimates. The life or death of a bill or amendment may ride on the estimate.

So I will be offering an amendment in this area to put a limit of 10 years on that estimate so we can get something, hopefully, a little more practical from the Congressional Budget Office.

But those are the questions which I would appreciate having answers to tomorrow. They go right to the question of whether this is a workable piece of legislation. Its goals are very admirable. I supported its predecessor. There is a whole new point of order that has been added this year which is going to create a real different situation on the floor relative to bills and amendments, and we have to think through this process in advance.

We are putting tremendous burdens on the CBO to suggest that they are going to be able to come up with estimates in a matter of hours, perhaps minutes, on amendments, and some people say, "Well, if you know you are going to offer an amendment, get it to the CBO a day before, 2 days before, 2 weeks before." Of course, some of these estimates can take months.

But there is also an answer to that, and that is that, in many cases, we do not know and cannot know that we are going to offer an amendment because an amendment could be a second-degree amendment. We are not all privy to everybody's first-degree amendments around here. We do not have amendments printed in advance. I would like to see a rule, by the way, which would require amendments to be printed in advance, but we do not have any such rule.

So you do not know who is going to call up an unprinted, unfiled amendment to a bill. Somebody can call one up without previous notice, and then, if you want to offer a second-degree amendment, in order for it to be in order, you have to have an estimate from the CBO.

Now, what do we do? Do we hold up the processing of the whole U.S. Senate while the CBO tries to estimate the costs forever, maybe, on 87,000 jurisdictions? We have to work through this in advance. It is a complicated issue and, again, when we had last year's bill, we did not have that final point of order that had such an appropriations impact embedded in it, as we do in this year's bill.

So if the estimate was wrong last year, it did not have serious consequences. It had consequences; the bill would be subject to a point of order if it did not have the estimate. But it did

not have this additional point of order with this appropriations aspect to it that this year's bill has.

So, Mr. President, at the appropriate time, I will offer, when the majority is ready, this amendment putting a 10-year time limit on the estimate of the CBO because I think that is a relatively practical length of time for which we can get an estimate.

The modification that I will seek unanimous consent for on this is that the 10-year limit on the estimate apply to both the private sector estimate as well as the public sector estimate. I believe the way my amendment was written and filed, it only applied to the public sector estimate. We should seek practicality and workability for both the private and public sector estimates.

I did not mean to rush the manager on the majority side. I know they may not have had a chance yet to look at this, but whenever he is ready, I am ready to offer this amendment.

Again, I also appreciate his engaging in these colloquies on this bill. He is performing a very important function by trying to clarify the legislative intent, and the questions which I have read and which I will now submit to the desk are questions which I would appreciate your attempting to answer by tomorrow.

I thank the Chair, and I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate the spirit in which the Senator from Michigan has provided these questions, and I appreciate the fact he is not requiring an immediate response. I always appreciated take-home exams instead of pop quizzes, but I will be happy to provide the answers, to the extent I am capable, sometime tomorrow. I appreciate his effort as we work through this bill.

Mr. President, I know that the Senator from Iowa is here and will be calling up his amendment. I would like to inquire, I believe on the previous unanimous-consent agreement, we had a time agreement of 30 minutes equally divided?

The PRESIDING OFFICER. That is correct.

Mr. KEMPTHORNE. And that no second-degree amendments were in order; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEVIN. Will the Senator yield just for one moment, for a parliamentary inquiry? Is there a unanimous-consent agreement in effect on the Grassley amendment? Is there a time agreement?

The PRESIDING OFFICER. Yes, there is.

Mr. LEVIN. Is there a unanimous-consent agreement indicating when the Grassley amendment will be called up?

The PRESIDING OFFICER. No, there is not.

Mr. LEVIN. At that point, I would note 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, some of the Members are inquiring about the schedule for this evening. It is slow, I can tell you that. We are not making any progress. On the 11th day on this bill, we have had only three votes. Two votes. It is worse than I thought.

Now, if this is not delay, I do not know what delay is. So we are going to be here a long time tonight, I am fearful. There will not be any window. We are going to vote as the amendments come up. We just have to stay here and do it.

I regret that I cannot accommodate some of my colleagues on both sides of the aisle. We are spending 90 minutes on immigration amendments. A lot of things have nothing to do with this bill at all. Anything anybody can think of has been offered as an amendment—Social Security amendment having to do with a balanced budget. We have to debate that again on this bill.

I have about reached the point where we will either file cloture tonight or start tabling these amendments unless they are offered and you have limited debate. We do not need 40, 50, 60 minutes on some of these amendments or rollcall votes on some of these amendments.

So I must say that I do not know any other alternative. If somebody stands back here and banters back and forth for a day, that is not my idea of progress. Eleven days ought to be enough. We could have finished this bill in 4 or 5 days.

We will finish the bill this week. If it takes until 10 o'clock tonight, 11 o'clock tomorrow night, and 11 o'clock the next night, we will finish the bill this week. But we may file cloture in the meantime if we continue. We may do that this evening. We have been all day long. Now it is dark outside. People want to be home with their families, so we are going to start voting at 6, 7, 8, 9, 10 o'clock.

So I hope my colleagues will accommodate us—not the leader; I will be here in any event, but accommodate our other colleagues who would like to be home with their children and families. But we have not accomplished much today.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I can appreciate the wishes of the majority leader to move this through, but I would submit that we have disposed of about 12 amendments today.

If I could address the majority leader just a moment, we have disposed of about 12 amendments today. We have worked with them. They have gotten some withdrawn. We have some we have gotten agreement on, and I thought we had been making very good progress today. We are moving right along on this. I had hoped we would be able to—I think we are making a great deal of progress.

Mr. DOLE. How many amendments remaining?

Mr. GLENN. I do not know how many are remaining. I do not know exactly. We have disposed of about 11 or 12 today. Not all of them had votes on them. They either were withdrawn or we had some agreement on them or they were accepted.

Mr. DOLE. We had 39 yesterday, and now we have 34 so I do not know—unless there are some that have not been properly cataloged on our side that have been disposed of. But we still have 34 amendments after 11 days on a bill. We were told last week that there were maybe 30 amendments. Then we got up to 67, and 49, and now we are down to 34, 3 days later. So if that is progress, it is very slow progress. But, again, it is up to our colleagues. If they want to spend Saturday here, that is fine with me.

Mr. GLENN. The procedures by which this bill was brought to the floor, I would submit, are ones that engendered a lot of amendments. We are still trying to work out some of the things we normally would have taken care of in committee had we been permitted to do so. We were not permitted to do any of the amendments in committee. It was sent back to the floor. Had we been able to do that, I think we would have saved an awful lot of trouble and saved much of that 11 days we have been out here in the Chamber, whatever it is now.

I suggest the absence of a quorum.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold?

Mr. GLENN. I withhold.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. GRASSLEY. Mr. President, I will yield the floor if the manager wants it. I reserve my right to get the floor back after he is completed.

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

Mr. KEMPTHORNE. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

AMENDMENT NO. 207, AS MODIFIED

Mr. GRASSLEY. Mr. President, I presented yesterday an amendment of mine. It has been modified, and I would

like to send it to the desk and ask unanimous consent that the modification be made.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. GLENN. Will the Senator yield for a question, please?

Mr. GRASSLEY. Yes, Mr. President, I will yield.

Mr. GLENN. The modified language of his amendment, I do not believe we have a copy of that. Does the Senator have a copy he can give us so we will know?

Mr. GRASSLEY. We sure do. Just so the Senator knows I am not pulling a fast one, it has been well known about what we are doing and we will get the Senator a copy so he can be sure of that.

Mr. GLENN. Would the Senator restate the unanimous-consent request, please. Was there a unanimous-consent request?

Mr. GRASSLEY. Yes. Mr. President, the unanimous-consent request I made is for the modification according to the changes that have been made at the request of various staff.

The PRESIDING OFFICER. Is there objection?

Mr. GLENN. I have no objection. I believe the Senator can modify his amendment anyway, can he not?

The PRESIDING OFFICER. It requires unanimous consent under the circumstances.

Mr. GLENN. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, as I indicated yesterday, Senator SNOWE is working with me on this approach.

This very simply expresses the sense of the Congress that Federal agencies should review and should evaluate planned regulations to ensure the costs of Federal regulations are within the cost estimates that are provided for the statute by the Congressional Budget Office.

Then there is a second part that is not a sense of the Senate. The second part would allow any Senator to request that CBO provide an estimate of the cost of regulations and compare them with the cost estimates provided by CBO as required for the statute that we are passing under S. 1.

This is just a commonsense amendment that when agencies implement a Federal mandate they should take steps and make a good-faith effort to keep regulatory costs within the CBO estimates called for under S. 1. We do not want to pass legislation, in Congress, thinking when we pass the legislation that it might only be a $1 billion unfunded mandate and then, after several months have passed—in some cases I suppose years could pass—the agency unnecessarily implements regulations that would raise that cost, something above the $1 billion estimate?

I hope we could all agree to this amendment. I know at least on our side of the aisle, after discussing it with our distinguished floor manager, Senator KEMPTHORNE, he had some concerns about it. I think the modifications will satisfy his concerns.

I think it ought to be stated as well that CBO has no problem with the costs of carrying this out. And from that standpoint, this is language similar to what was in the amendment of the Senator from Michigan [Mr. LEVIN] when he called up a previous amendment he got adopted, calling for a report at the instigation of any particular Senator.

I yield the floor and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. GRASSLEY. I yield such time as he might need to the Senator from Idaho.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I appreciate what the Senator from Iowa is proposing here. To me it seems like a very reasonable request, so again I thank him for his diligence. I will be supporting this amendment. I yield the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that immediately following the next rollcall vote the Senate proceed to vote on a resolution expressing our condolences to the nation of Japan, and I ask it be in order to ask for the yeas and nays at this point.

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

Mr. KEMPTHORNE. Mr. President, 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. LEVIN. Parliamentary inquiry, whose resolution is this?

Mr. KEMPTHORNE. Mr. President, it is a Dole-Daschle-Bingaman bipartisan resolution.

Mr. LEVIN. This is relative to Japan?

Mr. KEMPTHORNE. It is.

Mr. LEVIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself such time as I may require.

Mr. President, I say to my colleague from Iowa, the agencies are already under strictures that come under the President's Executive order to examine costs and benefits before issuing regulations. It seems to me that should really be the test for any regulation—do the benefits outweigh the costs? If they do, the regulations should go forward. If not, the regulations should be killed.

It seems to me the proposed Grassley amendment adds another stricture without taking benefits into account. If a benefit far outweighs a cost, why should the CBO cost estimate become a ceiling?

In other words, what we are doing here is saying CBO—as I understand it—CBO is to make an estimate of the cost. Then once that cost estimate is made, which at best is an estimate, then the cost of implementing whatever the proposal is could not exceed the CBO cost, no matter what? Is that the intent of the Senator from Iowa?

Mr. GRASSLEY. Mr. President, I will be glad to attempt to answer. I am not sure I can, because I am not sure I understand the question of the Senator. But implicit in his question, I believe, is a feeling that the purpose of my amendment is to stop the regulation from going into effect. That is not the purpose of the amendment. There is nothing in the wording of the amendment that does that.

The purpose of the amendment is that if we pass a statute in the year 1996, and CBO says it is going to cost $1 billion, and then 2 years later—it takes a long time to get these regulations written—2 years later the agency might issue regulations that cost something more.

My amendment does not make CBO study that, except at the request of a Senator. But if I would decide, looking at department X's regulations, it looks to me like these are a lot more expensive in unfunded mandates than what we anticipated when we pass the legislation, I want CBO to take a look at those regulations.

CBO takes a look at those regulations and they might say, no, this is

not over the $1 billion; or they might say it is $2 billion, it is going to make this statute cost $2 billion instead of $1 billion. My amendment will not in any way keep those regulations from going into effect. But I surely think we ought to have a track record by which we can measure whether or not an original estimate and intent of statute is realized. And if it is not, then at least we know that and it is a matter of public record.

The other thing that might come as a benefit of my regulation is that the regulation writers, if somebody might ask for a review, may be just a little more careful to stay within the cost intent of the statute. I think that is legitimate. I think if we write a statute that we think is going to be an unfunded mandate costing $1 billion, we should not allow some faceless bureaucrat to write regulations that make it cost much more and not be in keeping with congressional intent. That is all I am trying to do. I hope I have answered the Senator's question.

Mr. GLENN. I would have another question I would like to ask, too. That is, it says, "an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act"—and then goes on, "a comparison of the costs of such regulations with the cost estimate provide for such Act by the Congressional Budget Office."

Would this mean that these would all be still prospective? Or does this mean that, because we go back and reference the Congressional Budget and Impoundment Control Act of 1974, that the CBO would be expected upon written request to go back and estimate mandates and how they worked out compared with CBO estimates, clear back over the last 21 years?

Mr. GRASSLEY. Mr. President. It is a very good question. And the answer is it is prospective, and it just covers whatever S. 1 covers.

Mr. GLENN. I have a further question. Would the Senator be willing to have the benefits and costs evaluated at the same time?

Mr. GRASSLEY. No.

Mr. GLENN. The President's Executive order, I would say, covers that and I think that is a necessary part of this thing, to consider the benefits as well as just the costs.

Mr. GRASSLEY. Mr. President, I see the cost-benefit analysis as a very worthwhile procedure. I think I supported that. I have not had a chance to vote on it in past Congresses. But I support the concept. I think, as the Senator said, the concept is to end the rulemaking process. I happen to think that is not a very effective process that we go through. I think it is not refined well enough. I do not think there is a bureaucratic inclination to abide by it in good faith. I support that concept, but I do not think it has any relationship to what I am trying to accomplish by my amendment.

It is a worthy goal the Senator suggests, but it is a little more. I believe it is much more in depth and serves a whole different purpose than what I am trying to serve by my amendment.

Mr. GLENN. Mr. President, if I might add another question in part A, sense of the Congress, it is the sense of the Congress that the Federal agency should review and evaluate planned regulations. And then the next part is to ensure that the costs of Federal regulations are within the cost estimates provided by the Congressional Budget Office.

It seems to me that sets a ceiling beyond which you could not go. The CBO is at best making estimates. I do not see how you can say that the agency, trying to implement something that may be very involved, should be limited to no more than the estimate of the Congressional Budget Office. I do not know whether that was the intent or not.

What we would be doing is saying with the legislation we pass, we are in effect passing our legislative responsibilities on to the CBO and saying whatever they come up with is the absolute ceiling, when they are required on a rapid basis to give us their best estimates. That does not mean when it gets over to the agency, they get it in more detail. It might exceed a little; it might go under some. But I think to make CBO the final authority on what the ceiling will be, with their rapidly arrived-at estimate of costs, I just do not see how that would work.

Was not the intent to make the estimate of the Congressional Budget Office a ceiling that could not be exceeded in the executive branch when they try to implement the law that we just passed, or implement a mandate?

Mr. GRASSLEY. Mr. President, before I answer this question, there is one further response I want to give to the Senator on his question about the cost benefit. A more explicit answer to the question is, as I said, we only want to do what S. 1 does, and S. 1 deals just with cost.

On the point that the Senator from Ohio just made, there is not a real solid answer I can give because of the very basis of my language being sense of the Senate. I think sense of the Senate implies, first of all, that the bureaucrats and regulation writers do a good-faith effort to be within the congressional intent of whatever the ceiling is of the unfunded mandate.

Second, sense of the Senate is not binding because it is only sense of the Senate. It is not statute. I would feel that the Congressional Budget Office, in making this estimate, could do no more under my amendment than just simply say in a quantifiable way that the agency cost will be so much. That could be higher or lower. The extent to which it is higher, their statement that it is higher in no way, under the statute or under the intent of my amendment, is going to keep the regulation from going into effect.

If I could be perfectly candid with the Senator from Ohio, I think if unfunded mandates legislation is going to mean anything, eventually you have to get to that point where the regulation writers are within the intent of Congress on what the cost is, or else we do not have a very effective statute. But I cannot do that now. I do not know whether now is the time to do that because this legislation is a pioneering piece of legislation. So we ought to feel our way along to that point. I think my sense of the Senate ought to be looked at as giving Congress some additional tools down the road, a track record by which we can make better judgments if this statute needs to be refined.

Mr. GLENN. Mr. President, the Senator treats sense of the Senate just a little more lightly than I think a sense of the Senate should be treated in this regard. Legislative history is made here on the floor, and we talk about sense of the Senate and all the other things that go on in debate. All of these things give the regulation writers the sense of the Senate as to where we want to go. They follow this. They are supposed to follow it.

This is used in its entirety, of course, and sense of the Senate is not as binding as regular legislation. But we are telling the agency that the agencies should review and evaluate planned regulations, not just to think about it. We are saying to ensure that the costs are within the cost estimates provided by CBO.

That is a mighty potent statement, it seems to me. If we are saying it is sense of the Congress, but we really do not mean that, and you people over there just go ahead and do what you think ought to be done, then that is a different thing. But what we are saying is we are telling them it is our sense of the Senate and the Congress to ensure that they stay within the CBO estimate.

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

Mr. GLENN. Certainly.

Mr. GRASSLEY. Mr. President, this would require further modification. But first of all, before I suggest something, I do not want it to be suggested that I think my amendment does more or is intended to do more than what I said I wanted it to do. I did not doctor up the sense-of-the-Senate language because I do not know how much weaker you can get in any statement of public policy that this body makes in sense-of-the-Senate language. Maybe the Senator from Ohio puts it on a higher plane than I do. But I do not think it deserves such a high plane.

So I did not think about adjusting it any, because I do not think you can be much weaker than a sense of the Senate. But if it would help the Senator, we could put in the same words that we put in the second part of the amendment, and say "to the extent practicable."

Mr. GLENN. I am not exactly sure how that would change it that much, Mr. President. I think when you are trying to direct them to ensure that whatever they do with regard to rules and regulations will not go beyond the Congressional Budget Office estimate, no matter what we passed on the floor here, and how many amendments we had, and all the other provisions we may have put on the floor, we are in effect going back to CBO and saying: You are the legislating authority on this because your estimate that you gave us, that might be very sketchy, arrived at in a few hours at best, we are saying that becomes the definitive figure on this thing as far as guidance for the Federal agencies goes, and we want to ensure that.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. I want to save some of my time, so I do not want to yield. I ask unanimous consent that the Senator have 1 additional minute.

Mr. GLENN. I am sorry we did not know the time here. That is my fault. I ask unanimous consent that Senator LEVIN be granted an additional 5 minutes.

Mr. GRASSLEY. Then I want 5 minutes on this side.

Mr. GLENN. We have no objection to that.

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

Mr. GRASSLEY. Mr. President, may I yield myself such time as I might consume to respond?

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, again, I did not make my suggestion very clear to the Senator from Ohio because he kept concentrating on the word "ensured." We could eliminate "ensured" and put in there "to the extent practicable" and that may solve the problem. I do not want to do that unless it will solve the problem because I think this is about as weak as you can get.

I yield the floor and reserve the remainder of my time.

Mr. LEVIN. Mr. President, the trouble with this sense-of-the-Senate language is that it delegates the legislative responsibility to the Congressional Budget Office. This is what the Senator from Ohio was alerting us to in his last couple of minutes.

The Congressional Budget Office, if we are lucky, is going to be able to make an estimate of what the cost will be to 87,000 State and local governments for some period, which could last forever, the way the bill is currently worded. But it is going to be decades into the future. These are, at best, going to be guesstimates. We have example after example that they have told us where they cannot make a good estimate. These are not scientific statements of costs; these are guesstimates that are going to be coming out of the CBO. We cannot take that guesstimate and say that it is the sense of the Senate that the agency should ensure that a regulation complies with that guesstimate instead of law.

Let us say we pass a law that says airports must introduce security devices that will pick up levels of metal down to a certain amount. We are doing that for the safety of the passengers of the United States, the American citizens that walk through metal detectors and get on airplanes want to feel safe. We pass a law that says you must get down to a certain level of detection in these metal detectors. That is the law. We have adopted that law. Now we get an estimate. The CBO gets us an estimate as to how much that is going to cost State and local government. Their estimate comes out that it is going to cost $50 million for all these jurisdictions in one of those years. We have written a law saying you have to do something for the safety of the American people, but we have a CBO guesstimate over there that says $50 million.

It turns out, down the road, that when those detectors are put in, they are going to cost more than $50 million. Are we going to say tonight that we want the agency to abide by the estimate of the CBO instead of our law? Are we putting a CBO guesstimate on a pedestal so that it will take precedence over what we have said is essential for the safety of the American people? Is that our intent? It is not my intent. I am not going to put that guesstimate on a pedestal. I am troubled about the ambiguities of these guesstimates.

We surely do not want that guesstimate of the unelected CBO, for some period out in the future, to supersede the elected representative of the people of the United States. If we say the law is that there must be metal detectors that can capture metal or other material down to a certain level, that is our intent. And we have a guesstimate that says it is going to cost a certain amount in a certain year, OK, that will give us some guidance. But do not give that precedence over what our decision is as to what the law should be, because you are just delegating to the CBO what we as elected officials are responsible to do.

That is one of the difficulties with my friend's amendment. When he says that agencies should evaluate planned regulations to ensure—the key word is "ensure"—that they are within cost estimates in the budget office, he is just giving the legislative authority away to the budget office and saying, yes, we want those metal detectors to capture a certain level of metal, but we are not really saying that. So I would suggest that we let the staff try to work out some language here. I think I know what the Senator is driving at. I think this language goes too far. I suggest that his staff and the staff of Senator GLENN, and perhaps mine, and any other interested Senator, might get together to work out language to avoid the result that this could otherwise lead to.

Mr. GRASSLEY. Mr. President, first of all, the Senator from Michigan wants us to believe that the sense-of-the-Senate resolution is going to bind every regulator who is working under the constitutional authority of the President—that they will not perform their responsibilities; that a sense-of-the-Senate resolution will somehow amend the Constitution, take away statutory authority of the bureaucrat. No sense-of-the-Senate amendment can or will do that or ever has done that.

The other point is that Congress does not turn anything over to the Congressional Budget Office through this sense-of-the-Senate resolution. This is our decision to make. There is no regulation that in any way can be stalled by either part of my amendment. It is not intended to do that. For the Senator from Michigan, it is not intended to take, nor will it take away any statutory responsibilities or constitutional responsibilities of any employee or officer of the executive branch.

I am always willing to work something out, but I think we have reached a point where yesterday and today we have tried to work out things in this area. One of the very concerns that the Senator from Michigan had previously with my amendment, in some of the discussions before, was the extent to which CBO could do this within their budget. From that standpoint, the Senator from Michigan just got an amendment adopted by this body that, within the same budget limitation of the CBO, asked them to do exactly what I am doing with my amendment.

So I think it is a little bit wrong for the Senator from Michigan to come here and say that I am asking too much of the Congressional Budget Office, or that a sense-of-the-Senate resolution will reduce the statutory responsibilities or the congressional responsibilities of any person within the executive branch.

How much time do I have left?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. LEVIN. If the Senator will yield for a question, I have not objected to your part B which relates to the statement of cost of the Congressional Budget Office. I have not raised an objection.

Mr. GRASSLEY. I think it is because we have satisfied you with our changes in our language.

Mr. LEVIN. For whatever reason, I have not objected to the Senator's amendment as it relates to the additional duty of the CBO.

Will the Senator yield for a question?

Mr. GRASSLEY. I stand corrected from the standpoint that that may have referred to the entire language of the bill.

I yield for a question.

Mr. LEVIN. Under your language, it is the sense of the Congress that the Federal agency should do something to ensure something, and I want to give the Senator a hypothetical.

Assume that the estimate of the CBO was that the metal detector would cost $50 million. But the way the agency reads our law requiring them to get these new metal detectors installed to protect the American people, it turns out that those metal detectors required by our law will cost $75 million. Should the agency ensure the $50 million in that event, even though they read our law to require metal detectors which as it turns out a couple years down the road will cost $75 million? Or is it your sense that they should go with the cheaper $50 million metal detector, which will not do the job, because that was the CBO estimate? Or is it the Senators intention that they comply with our law because the better metal detector will be better?

Mr. GRASSLEY. I think it is a relatively easy question to answer. First of all, S. 1, as far as the unfunded mandates are concerned, the statutory authority that the regulator has to fulfill their responsibilities to protect the public is binding. That is not the sense of the Senate. But I am not saying that because I want to bring less significance to my sense of the Senate. I am saying that because that is the role—that is the place of sense-of-the-Senate resolutions in policymaking in our constitutional system of Government.

The regulator would go ahead and put in the more expensive product to protect the public. But, if I, Senator GRASSLEY, 6 months later said, "Well, you know, I have some doubts about this. Is it within the cost?" I ask the CBO to study what the cost is. Let us suppose CBO comes up with the fact that it is over the unfunded mandate estimate.

That is a quantifiable fact that does not affect the decision of the regulators. And that is the intent. But, to be perfectly candid to both of my colleagues who have spoken in opposition to this, I would expect maybe at reauthorization time that that fact could be a basis for maybe tightening up some of the statutes so that regulations cannot circumvent the original intent of the statute.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 9 minutes remaining.

Mr. GRASSLEY. And the other side has?

The PRESIDING OFFICER. No time remaining.

Mr. GRASSLEY. Mr. President, I would like to ask a question of the Republican manager of the bill. Is it the Senator's desire, then, if I would yield back my time, that we would immediately go to a vote on my amendment?

Mr. KEMPTHORNE. Mr. President, that would be my intent.

Mr. GRASSLEY. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator yields back the remainder of his time.

Mr. GLENN. 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. 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 ask unanimous consent that, with respect to the Lautenberg amendment numbered 199, there be 40 minutes of debate prior to the motion to table, to be divided in the usual form; and that, upon the expiration or yielding back of time, the majority manager or his designee be recognized to make a motion to table. I also ask unanimous consent that there be no second degree amendments in order to the Lautenberg amendment prior to the motion to table the Lautenberg amendment.

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

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

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

AMENDMENT NO. 207, AS FURTHER MODIFIED

Mr. GRASSLEY. Mr. President, we have been able to arrive at some language that satisfies myself and satisfies the Democratic side of the aisle. Pursuant to that, I will have to ask unanimous consent that my amendment be modified as written on this paper.

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

The amendment, as further modified, is as follows:

On page 32, between lines 5 and 6, insert the following:

SEC. . COST OF REGULATIONS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that Federal agencies should review and evaluate planned regulations to ensure that cost estimates provided by the Congressional Budget Office will be carefully considered as regulations are promulgated.

(b) STATEMENT OF COST.—At the written request of any Senator, the Director shall, to the extent practicable, prepare—

(1) an estimate of the costs of regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act; and

(2) a comparison of the costs of such regulations with the cost estimate provided for such Act by the Congressional Budget Office.

(c) COOPERATION OF OFFICE OF MANAGEMENT AND BUDGET.—At the request of the Director of the Congressional Budget Office, the Director of the Office of Management and Budget shall provide data and cost estimates for regulations implementing an Act containing a Federal mandate covered by section 408 of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101(a) of this Act.

Mr. GRASSLEY. Mr. President, I will yield back my remaining time, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 207, AS FURTHER MODIFIED

The PRESIDING OFFICER. The vote now occurs on the amendment No. 207, as further modified, offered by the Senator from Iowa [Mr. GRASSLEY].

The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 45 Leg.]

YEAS—99

Abraham	DeWine	Inouye
Akaka	Dodd	Jeffords
Ashcroft	Dole	Johnston
Baucus	Domenici	Kassebaum
Bennett	Dorgan	Kempthorne
Biden	Exon	Kennedy
Bingaman	Faircloth	Kerrey
Bond	Feingold	Kerry
Boxer	Feinstein	Kohl
Bradley	Ford	Kyl
Breaux	Frist	Lautenberg
Brown	Glenn	Leahy
Bryan	Gorton	Levin
Bumpers	Graham	Lieberman
Burns	Gramm	Lott
Byrd	Grams	Lugar
Campbell	Grassley	Mack
Chafee	Gregg	McCain
Coats	Harkin	McConnell
Cochran	Hatch	Mikulski
Cohen	Hatfield	Moseley-Braun
Conrad	Heflin	Moynihan
Coverdell	Helms	Murkowski
Craig	Hollings	Murray
D'Amato	Hutchison	Nickles
Daschle	Inhofe	Nunn

Packwood	Roth	Specter
Pell	Santorum	Stevens
Pressler	Sarbanes	Thomas
Pryor	Shelby	Thompson
Reid	Simon	Thurmond
Robb	Smith	Warner
Rockefeller	Snowe	Wellstone

NOT VOTING—1

Simpson

So the amendment (No. 207), as further modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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.

EXPRESSION OF SUPPORT FOR THE PEOPLE OF JAPAN

The PRESIDING OFFICER. Under the previous order the Senate will proceed to consider Senate Resolution 72, which the clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 72) expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the resolution (S. Res. 72). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. BOND] is necessarily absent.

I also announce that the Senator from Wyoming [Mr. SIMPSON] is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Wyoming [Mr. SIMPSON] would vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chanmber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 46 Leg.]

YEAS—98

Abraham	Bumpers	Daschle
Akaka	Burns	DeWine
Ashcroft	Byrd	Dodd
Baucus	Campbell	Dole
Bennett	Chafee	Domenici
Biden	Coats	Dorgan
Bingaman	Cochran	Exon
Boxer	Cohen	Faircloth
Bradley	Conrad	Feingold
Breaux	Coverdell	Feinstein
Brown	Craig	Ford
Bryan	D'Amato	Frist
Glenn	Kerrey	Pell
Gorton	Kerry	Pressler
Graham	Kohl	Pryor
Gramm	Kyl	Reid
Grams	Lautenberg	Robb
Grassley	Leahy	Rockefeller
Gregg	Levin	Roth
Harkin	Lieberman	Santorum
Hatch	Lott	Sarbanes
Hatfield	Lugar	Shelby
Heflin	Mack	Simon
Helms	McCain	Smith
Hollings	McConnell	Snowe
Hutchison	Mikulski	Specter
Inhofe	Moseley-Braun	Stevens
Inouye	Moynihan	Thomas
Jeffords	Murkowski	Thompson
Johnston	Murray	Thurmond
Kassebaum	Nickles	Warner
Kempthorne	Nunn	Wellstone
Kennedy	Packwood	

NOT VOTING—2

Bond Simpson

So the resolution was agreed to.

The preamble was agreed to.

The resolution (S. Res. 72) and its preamble are as follows:

S. RES. 72

Whereas on the morning of January 17, 1995, a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporary homeless;

Whereas the earthquake of January 17, 1995, has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone;

Whereas the tradition of strength, courage, determination, and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed, all of Japan since the earthquake and has served as an inspiration to all of the world;

Whereas the nation's and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect; and

Whereas the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan: Now, therefore, be it

Resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the resolution was agreed to.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. Will the Senator yield to the majority leader?

Mr. LAUTENBERG. Absolutely.

Mr. DOLE. Mr. President, there is not a "no more vote" sign out there because I did say—and I am reminded by the Senator from Kentucky—that we would be here until 11 o'clock tonight, tomorrow night, whatever it took.

I assume now we will debate this amendment and two additional amendments. We will probably be here until about 9:30. The question is whether we want to have a vote at that time, or have the vote tomorrow morning. I am prepared to do it either way. There are a number of our colleagues at a press dinner. Some would not be displeased if they were called back about 9 o'clock. Others who are on the program would be; but whatever the wishes of the Senator from Kentucky.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, I did not know it was all left up to me.

Mr. DOLE. No. I said we have not said that there would be no more votes. I am prepared to do it either way.

Mr. FORD. Mr. President, I say to the majority leader that I understand the problem that he got into, and he probably will not get in this deep again for awhile. The Senator from New Jersey has an amendment. I am willing to debate him tonight and stack the votes until tomorrow. I would prefer that we have 40 minutes tomorrow in the morning, that we debate it tomorrow, and then have the motion as proposed by the distinguished Senator from Idaho. That is my preference. In order to accommodate the leader, I am perfectly willing to debate it tonight. However, we can vote on it tomorrow, and the votes apparently are going to be stacked. Two or three votes will be stacked, and I will be part of that. I am willing to acquiesce to that.

Mr. DOLE. Or we give you 5 minutes each before the vote tomorrow.

Mr. FORD. That would suit me fine, but I am trying to be—like my daddy told me, "When you sell it and they ask you when do you want to be paid for it, say right now is fine." I have tried to accommodate the leader. Now you are trying to stick me over to tomorrow and divide me up. Let us debate it tonight and put the vote off until tomorrow. But do not have it too early. Those fellows over at the press dinner probably are going to have such a good time they will want to sleep in the morning.

Mr. DOLE. I am still sleepy from last night. In any event, that press dinner does last a while. It is live on C-SPAN. If you are not able to go, but you would like to watch it—which I prefer—it will be on about from 9:45 until 10:30.

So if that is agreeable, I appreciate the consideration by my friend from

Kentucky. There will be the debate on the Lautenberg amendment, which is 40 minutes, I understand, equally divided. Two Levin amendments will be offered. I do not know of any time on that. If there are any rollcall votes ordered on any of the amendments, they will be postponed until tomorrow morning.

At 9 o'clock there will be an immigration amendment, we hope. I guess the point is that none of the votes will occur until disposition of the immigration amendment, and we will try to stack the votes, probably after 10, maybe later than that.

Mr. FORD. Mr. President, may I ask the distinguished majority leader, are we coming in at 9?

Mr. DOLE. We will come in at 9.

Mr. FORD. Then morning business?

Mr. DOLE. We are not going to have morning business. We will get right on the bill.

Mr. FORD. But you will go to the immigration amendment?

Mr. DOLE. There is an hour agreement on that. So that will be at least 10 o'clock. That vote will occur at 10, followed by a vote on Lautenberg, or any other votes ordered.

Mr. FORD. At 10 o'clock, or a minute or two after that. After the prayer and so forth, there will be an hour, which will take us to a few minutes after 10, when the first vote will occur.

Mr. DOLE. There will be no votes before 10, if that is all right with the Democratic leader. If that is agreeable to everybody, there will be no more votes this evening.

Mr. GLENN. The majority leader mentioned immigration. We are trying to work on differences on both sides on immigration. Did you not have that as part of any agreement?

Mr. DOLE. I did not make a request. But we can put it in writing if it works out. We still will not have any votes before 10, I can assure the Senator from Kentucky.

Mr. GLENN. Is that when we go back on the bill?

Mr. DOLE. That will be at 9.

AMENDMENT NO. 199

Mr. LAUTENBERG. Mr. President, I would like to turn to the consideration of my amendment No. 199 at this time.

The PRESIDING OFFICER. Amendment No. 199 is the pending business.

Mr. LAUTENBERG. Mr. President, I felt like a spectator as I was watching this debate occur. The majority leader knew that he had my good will as part of his dialog here. Since I was not asked, I just kind of shook my head. I was glad to be here. Obviously, those of us without a sense of humor are here because tonight is the funny night down there. It may be funnier here.

Mr. President, I thank my colleagues, the managers of the bill, the distinguished Senator from Ohio and the distinguished Senator from Idaho, for their interest in moving this legislation. I marvel at their patience and their good temperament, because it has not been easy, especially when there are those of us who think that the legislation is appropriate, but at the same time want to amend it to make it as good as we can in our own views and our own perspectives.

So I rise to speak for the fourth time on the subject of unfunded mandates. I understand I have 20 minutes, and I do not know whether I will use it all—probably not. But I will use sufficient time to discuss the subject now.

I offer this amendment which is as simple as it is compelling. I offer it because I believe that some laws are so important to the well-being of our citizens that regardless of whether the Federal Government fully pays for them, State and local governments should be required to implement them.

The authors of this bill recognized this fundamental truth, and that is why they created exclusions to S. 1. Federal legislation designed to enforce the constitutional rights of individuals are exempt from the strictures of the unfunded mandate law. So is legislation designed to protect statutory rights when they are threatened by discrimination. So is legislation deemed to be necessary to protect our national security.

Mr. President, my amendment would expand the list of exemptions to S. 1 to include limits of or on exposure to known human carcinogens. The Environmental Protection Agency has a list of substances which are believed to be causally connected to cancer in human beings. Evidence from human studies confirms a relationship between exposure to these substances and cancer.

These known carcinogens include: arsenic, asbestos, benzene, nickel, radon, and environmental tobacco smoke.

I ask unanimous consent that EPA's complete list of Group A carcinogens be printed in the RECORD at this time.

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

EPA'S GROUP A CARCINOGENS

Group A: known human carcinogens:

"This group is used only when there is sufficient evidence from epidemiologic studies to support a causal association between exposure to the agents and cancer". (EPA's Risk Assessment Guidelines of 1986)

Arsenic.
Asbestos.
Benzene.
Benzidine.
Bis(chloromethyl)ether.
Chromium VI.
Coke oven emissions.
Diethylstilbestrol.
direct black 38—benzidine-based dye.
direct blue 6——benzidine-based dye.
direct brown 95——benzidine-based dye.
Environmental tobacco smoke (ETS).*
2-naphthylamine.
Nickel.
Radon (and other radionuclides).
Vinyl chloride.

*ETS is the only carcinogen in Group A for which the cancer risk in humans was detected at environmental exposure levels, rather than occupational or pharmaceutical levels.

ETS is also the only Group A carcinogen which is not subject to regulation by EPA.

Mr. LAUTENBERG. My view is that protecting our citizens from avoidable risks is an essential responsibility of government. It is an obligation which State and local government must accept and discharge—even if the Federal Government does not pay all the costs of doing so.

On another level, though, I recognize that States and cities are often unable to afford the cost of Federal mandates. They need the flexibility to set their own priorities and implement Federal mandates efficiently. There is a commonsense appeal to this statement.

But we must also recognize that problems which cross State borders can only be effectively addressed at the Federal level.

Pollution, for example, knows no State borders. If each State develops its own pollution policy, some States will adopt stricter laws than others. As a result, a State with strong environmental laws, such as New Jersey, might fall victim to pollution from a nearby State with weaker standards. The cost of dealing with this foreign pollution would be unfairly borne by New Jersey taxpayers.

During the last few weeks, I have discussed the problem of State shopping that might result from this bill. With a patchwork of differing standards across the States, why wouldn't companies build factories in States with the least stringent environmental standards? In order to remain competitive, why wouldn't States with higher standards, lower them? This dangerous race to the bottom would lower the quality of life for all Americans. And I believe the Federal Government has a moral responsibility to discourage it.

The cancer-causing group A substances identified in my amendment are so deadly, and the Federal role in efforts to reduce our exposure to them are so important that I believe efforts to restrict human exposure to them should be exempt from the points of order in S. 1.

I commend the Senator from Idaho for his tenacity which ensured unfunded mandates would be a priority. I also want to commend the Senator from Ohio for his hard work in committee and on the floor to improve this bill. Together, they have forged a bill that would create better intergovernmental relations.

But central to this bill is the recognition that certain laws are so important to our Nation's welfare that they must be enacted and enforced—regardless of whether State and local governments will have to pay to implement them.

Mr. President, I think legislation to control known human carcinogens is so important that it warrants special consideration. Certainly, protection from

deadly exposure to cancer-causing substances is as critical as any of the exclusions currently found in S. 1. Those who have lost loved ones to this disease can tell you that.

I believe this bill, as currently drafted, could hamper congressional efforts to protect the public from cancer-causing agents. Let me explain why.

Some of my colleagues might say that once the EPA determines something to be a group A carcinogen, there would be a broad consensus to protect children from it. But that is not the case at all.

Consider the case of radon. Radon, an invisible, toxic gas, is very threatening. Radon is one of the most serious environmental health risks facing the country. In my State, radon is the most prevalent environmental cause of cancer. Nationwide studies show elevated radon levels in 25 percent of our homes and in 20 percent of our schools. Radon testing and mitigation are relatively inexpensive. Still, because this problem is so widespread, a mandate to test for and reduce radon levels in schools would certainly pass the $50 million threshold contained in S. 1.

Last year, I offered, and the Environment and Public Works Committee reported, a bill to do radon testing in schools. It was never considered on the floor of the U.S. Senate. And one of the reasons is was not, was because some objected to the cost that would have to be assumed if tests revealed unacceptable levels of radon.

S. 1 would institutionalize those concerns and roadblocks. It would tie our hands and prevent us from passing legislation that requires radon testing and mitigation in schools. Someone would argue that radon is just a medium-risk hazard. And, as a result, progress in the fight against radon-related disease would be threatened. After smoking, radon is the second leading cause of lung cancer. Is not protecting our children from this risk important enough to support Federal legislation?

Again, I ask my colleagues: Are we prepared to surrender to all the different States the basic obligation of protecting the health—and in this case, the lives—of American citizens? Are we prepared to allow thousands of American children to be exposed to proven carcinogens? Is it a defense—or even an excuse—to say we are leaving this up to the States? I hope not.

I will conclude my remarks, Mr. President, to allow others to speak about my amendment. But I would ask my colleagues to think about the children whose health might be affected if we are unable to effectively regulate group A carcinogens. My youngest daughter is about to give birth to my second grandchild and I cannot help wondering how this bill, as written, might affect his or her health.

I feel that it is my obligation to protect that child with all of the might and the power that I can muster. I am sure that everyone else feels similarly about their children and grandchildren and the generations that follow.

As a consequence of that, I hope that we will have the support to amend S. 1 to include this very important exemption.

Mr. President, I ask unanimous consent that Senator BRADLEY from New Jersey and Senator BOXER from California be listed as cosponsors of this legislation.

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

Mr. LAUTENBERG. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time that we are in a quorum call be equally charged to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. LAUTENBERG. Mr. President, I will not object, but I must note that the time that I used was because I was here and prepared to speak on the amendment.

I hope that my colleague from Kentucky is ready to speak.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, will the distinguished Senator from Idaho yield me at least 5 minutes?

Mr. KEMPTHORNE. Mr. President, I am more than happy to yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. That is probably twice what I will need. I usually like to work and not talk.

Mr. President, the amendment offered by my colleague from New Jersey is unwise. Since the proposed amendment would give the Environmental Protection Agency authority in deciding what causes are worthy of exemption from this bill, I feel it deserves closer attention than could be afforded a floor amendment on an unrelated bill. The amendment before the Senate is a powerful amendment. It adds to a list of special exemptions for items that are so important to the fabric of our Nation that they should receive preferential treatment.

I question why we should give an agency whose credibility is in such question. I am not the first to raise the issue of the EPA falling down on the job. By some people's judgment, if it was not for rash and politically motivated regulations and decisions by the EPA, we might not even need the unfunded mandates bill.

I have a report here that outlines the problems at the EPA. It is called "Safeguarding the Future: Credible Science, Credible Decisions." It was produced by an expert panel on the role of science at EPA. The reason that the EPA needed such a report was simple: The agency has been unable to base its actions on unpoliticized science. Its findings are nothing short of startling.

Furthermore, the EPA is not even sure what is a class A carcinogen. I submit a letter from the EPA that states that putting an "exact number of chemicals on this unofficial 'A' list is tricky * * *." Some chemicals are grouped with others, some don't appear on EPA's risk hotline called IRIS, with this kind of information coming out of the EPA, we have no idea what this amendment could lead to down the road.

Mr. President, I ask unanimous consent that a letter from the U.S. Environmental Protection Agency dated June 21, 1994, to my office, be included in the RECORD at this point.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

U.S. ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, June 21, 1994.

To: Matthew Rapp.

From: Jeanette A. Wiltse, Ph.D., Deputy Director, Office of Health and Environmental Assessment (8601).

Re: EPA Classification of Suspected Carcinogens.

Attached is the information that you requested on substances identified by EPA as Class A carcinogens. We have provided both use and health effects information.

Please be aware that the exact number of chemicals on this unofficial "A" list is tricky depending on how they are grouped. Often you will see just nickel listed, while on IRIS two nickel compounds are listed separately. Also, you may see radionuclides and radon listed separately or just radon mentioned as a catch-all for the whole group. As you know, there are at least 300 different radionuclides.

If you need additional information please call me at 202-260-7315.

Mr. FORD. Mr. President, a prime example of what could happen is chlorine. Chlorine, according to a recent newspaper article:

> * * * is found in such diverse products as Teflon, compact discs, photographic film, sofa cushions, linoleum and lawn chemicals. It is used in 85 percent of all pesticides, purifies 98 percent of all U.S. drinking water, and directly affects 1.3 million American jobs. Chlorine is so important, in fact, that it is used in 60 percent of all chemical transactions—which amounts to 40 percent of our total gross national product.

Guess which product is likely to get on EPA's unofficial group A list? Chlorine. The EPA stated last year that it should "develop a national strategy for subjecting, reducing, or prohibiting the use of chlorine and chlorinated compounds."

Mr. President, to me this proves we should not give the EPA this new authority, and should not by our actions condone its behavior.

Mr. President, I yield the floor.

Mr. LAUTENBERG. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Eight minutes and 56 seconds.

Mr. LAUTENBERG. I ask the manager of the bill at this point whether there are additional speakers?

Mr. KEMPTHORNE. Mr. President, in response to my friend from New Jersey, no. I would have a quick comment at the conclusion of this. I think that will be all the speakers tonight.

Mr. LAUTENBERG. Mr. President, I yield myself such time as I need, and in the interest of trying to reduce this debate to its shortest possible period I want to respond to the distinguished Senator from Kentucky by just saying that I understand why he is raising those questions. Certainly there is a lot there that can be questioned.

In this case, Mr. President, I, too, have a letter and I assume it is not the same letter that the Senator from Kentucky submitted for the RECORD because he ascribed a June date to that and this letter is January issue. It is addressed to me from Miss Browner, who is the Administrator of the EPA, and she says—and I will put the full letter in the RECORD:

Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have, in fact, caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions or other uncertainties. These are instances which have resulted in cancer.

That is a pretty specific statement. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

She goes on further to say, "Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent congressional or other actions to limit exposure to known human carcinogens," signed Carol M. Browner, Administrator for EPA.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter is ordered to be printed in the RECORD, as follows:

ENVIRONMENTAL PROTECTION AGENCY,
Washington, DC, January 25, 1995.

Hon. FRANK LAUTENBERG,
U.S. Senate, Washington, DC.

DEAR SENATOR LAUTENBERG: I applaud your effort to ensure there is no hindrance to Environmental Protection Agency regulatory actions to limit human exposure to Group A carcinogens.

Group A carcinogens are, as explained at length in EPA's Risk Assessment Guidelines, those which have in fact caused cancer in humans. Group A classification does not derive from laboratory studies and inferences, assumptions, or other uncertainties; these are substances which have resulted in cancer. When actions are needed to effectively limit exposure to these substances, EPA should be able to move expeditiously to do so.

Your amendment would provide an exemption from the procedural and other requirements of S. 1 that could delay or prevent Congressional or other actions to limit exposure to known human carcinogens.

Sincerely,

CAROL M. BROWNER.

Mr. LAUTENBERG. I just say this to the distinguished minority whip, and that is that chlorine is now under question review. Despite its omnipresence, we know the material is used effectively all over. But we do not know the full health effects. It is, I think, appropriate to review it.

I think back to the days when asbestos was used for installation in every conceivable type of product: Wallboard, ceilings, pipes, et cetera. Then one day a terrible discovery was made. That was that asbestos is, in fact, cancer-causing material. There have been lawsuits that confirm that. Lots of people whose health was injured and, as a matter of fact, their lives terminated.

So the fact that something has been used extensively does not mean, of course, that it is, therefore, acceptable from a science or health-based review.

I conclude, Mr. President, and would yield the floor at this moment. If there is no further discussion I would be happy to yield back the balance of my time, but that depends on what happens with the opponents' statement.

Mr. KEMPTHORNE. Mr. President, I appreciate the concern that my friend from New Jersey has expressed. I enjoy serving on the Environment and Public Works Committee with him. I know of his sincerity in this issue. I appreciate his concerns about class A carcinogens and I share that concern. I may vote with my friend from New Jersey to waive a point of order on this when and if it comes to the floor. However, I do not support the amendment.

For example, we have the issue of radon on safe drinking water. What was the cost of that? Some estimate $10 billion. But should we know that cost up front? Was there a less costly alternative? This is exactly the purpose of Senate bill 1, to provide this process so that the issues that have been raised concerning this amendment can be brought to the floor to allow informed debate, accountability. And I believe that a complete exemption not only prevents us from knowing cost but prevents us from agreeing if, in fact, a waiver is deserved. Again, there may be a time in the future that I would support him in seeking a waiver of the point of order, but I cannot support the idea of an exemption. So we could never get to that part of the process.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The clerk proceeded to call the roll.

Mr. LAUTENBERG. I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. LAUTENBERG. Mr. President, I ask the manager of the bill whether he is going to ask for the yeas and nays for the purpose of tabling the motion.

If that is the end of the discussion, I am happy to yield back the remainder of my time.

Mr. KEMPTHORNE. Mr. President, an inquiry. Is it now in order for me to move to table the amendment?

The PRESIDING OFFICER. The Senator from New Jersey has yielded back his time. It would be in order for the Senator to do so.

Mr. LAUTENBERG. Mr. President, I yield back the remainder of my time.

Mr. KEMPTHORNE. I move to table the 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. GLENN. Mr. President, just to make this certain so that everybody knows and they know it in the offices also, it was understood that the vote on this would occur in the morning, if a rollcall vote is requested.

The PRESIDING OFFICER. That is correct, the agreement was that the vote will be not prior to 10 in the morning. If the Senator would propound a unanimous-consent in that regard.

Mr. GLENN. Mr. President, I ask to set the pending amendment aside.

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

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

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

AMENDMENT NO. 177, AS MODIFIED

(Purpose: To clarify use of the term "direct cost")

Mr. LEVIN. Mr. President, I first ask unanimous consent that I be allowed to modify amendment No. 177.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is so modified.

Mr. LEVIN. I thank the Chair. I believe the majority has a copy of that modification.

Mr. President, I believe the modification is at the desk now.

The amendment, with its modification, is as follows:

On page 14, line 19 strike "expected".
On page 22, line 12 strike "estimated".
On page 22, line 22 strike "estimated".
On page 23, line 2 strike "estimated".
On page 23, line 5 strike "estimate" and "full".
On page 24, line 8 strike "estimated".
On page 24, line 15 strike "estimated".

Mr. LEVIN. Mr. President, I think it is also required that I ask unanimous consent that the Senate return to consideration of amendment No. 177.

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

Mr. LEVIN. Mr. President, this amendment may seem like a technical

amendment, but it has substantive ramifications to it. There are eight places in the bill where the term "direct costs" is used, and that is a very critical term in the bill. But in five of those eight instances, there are some adjectives which are used which confuse the bill. For instance, sometimes it is referred to as "estimated direct costs," even though the word "estimate" is already in the definition of direct costs in the definition section.

Once it is referred to as "expected direct costs." Another time it is referred to as "full direct costs," which raises an implication about, well, on those other occasions when you refer to direct costs, are they something other than full direct costs.

So in order to clear up these ambiguities and potential problems with those times direct costs is referred to in the bill, this amendment strikes the adjectives which I have indicated which are in the amendment and just simply leaves the words "direct costs." That would then be as defined in the definition section of the bill.

I understand that the floor managers will accept this amendment. It is, frankly, a good reason why it is important that we take some time to make sure this bill is as clear as can possibly be achieved, and while there has been some suggestion by some that there has been an effort to delay this bill, there is no effort that I know of to delay this bill. The effort is being made to improve this bill in a number of very important ways, to clarify the bill where there are ambiguities, and this is one instance where there are ambiguities which need to be cleared up.

I believe the managers of the bill concur in this and, if so, this does not require a rollcall vote, as far as I am concerned. I yield the floor.

The PRESIDING OFFICER. Is there further debate?

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we view this as a technical amendment which eliminates several redundancies in the language of the bill, as the Senator from Michigan pointed out. Because the term "direct costs" is defined to mean aggregate estimated amounts, there really is no need for the word "estimated" to be used elsewhere in the bill with the term "direct costs." Therefore, this amendment strikes such usage.

This side of the aisle is ready to accept this amendment. Again, we appreciate the Senator from Michigan for his efforts.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, once again, I think the Senator from Michigan has shown his dedication to making this a good piece of legislation by going into some of the details and defining before we pass this, and correcting some of the things that might give trouble a little later on or that could be misinterpreted.

I want to congratulate him on that, and I am glad it has been accepted on the other side. We are happy to accept it on this side, also.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 177, as modified.

The amendment (No. 177), as modified, was agreed to.

Mr. KEMPTHORNE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GLENN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. Will the Senator withhold for a moment?

Mr. KEMPTHORNE. Mr. President, I withhold.

HOW TO BALANCE THE FEDERAL BUDGET

Mr. GRAMM. Mr. President, we have heard recently requests from a number of colleagues and the President for an explanation of exactly how those of us who support the balanced budget amendment to the Constitution propose to achieve that goal after the States have ratified the amendment.

Frankly, the demand for details has come from some of the same individuals who opposed the balanced budget constitutional amendment when it was considered last year and it is my belief that no matter how detailed a plan was presented, they would find fault with it.

However, I do believe it is worth demonstrating to my inquiring colleagues that there is a specific, legislative path that we can follow in order to balance the Federal budget—S. 149, the Balanced Budget Implementation Act, which I introduced on January 4 of this year, the first day of the 104th Congress and which I originally introduced on February 16, 1993, as S. 377.

The legislation outlines the procedures necessary to bring the Federal budget into balance, including such reforms as a requirement that the annual budget resolution be signed into law by the President, the implementation of zero-based budgeting which requires the reauthorization of most current Federal spending programs in order for them to remain eligible for funding; the application of the Social Security spending formula to other entitlement programs; and an extension to the year 2002 of the limits placed on discretionary spending. These requirements will be enforced with 60-vote points of order and other mechanisms.

This is the path to a balanced budget. I hope those of my colleagues who have requested such guidance will join me in following it.

I ask unanimous consent that a more detailed explanation of the legislation be printed at the conclusion of my remarks.

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

BALANCED BUDGET IMPLEMENTATION ACT—OUTLINE

(By Senator Phil Gramm)

A bill to require and implement a balanced budget by the year 2002.

TITLE 1.—REQUIRE A JOINT BUDGET RESOLUTION TO FORCE JOINT ACTION BETWEEN CONGRESS AND THE PRESIDENT

(A) Joint resolution on the Budget: To remedy the lack of cooperation and coordination between the President and Congress resulting from the Congressional Budget and Impoundment Control Act of 1974 which created two budgets—one Executive and one Congressional—the Balanced Budget Implementation Act converts the present concurrent resolution on the budget into a joint resolution on the budget which must be signed by the President, ensuring joint Congressional and Executive branch consensus on and commitment to each annual budget.

TITLE 2.—ZERO-BASED BUDGETING & DECENNIAL SUNSETTING

(A) For FY 1996 and FY 1997, Congress must re-authorize all discretionary programs and all unearned entitlements: The Balanced Budget Implementation Act adopts President Carter's zero-based budgeting concept, mandating that before FY 1996 begins, the spending authority for all unearned entitlements, and the spending authority for the most expensive one-third of discretionary programs will expire. Entitlements earned by service or paid for in total or in part by assessments or contributions shall be deemed as earned, and their authorization shall not expire. Entitlements not sunsetted include Social Security, veterans benefits, retirement programs, Medicare and others. Before FY 1997, the spending authority of the remaining discretionary programs will expire.

Specifics

By the beginning of FY 1997, all unearned entitlements and discretionary programs will be subject to re-authorization. If a specific unearned entitlement or discretionary program is not re-authorized in a non-appropriations bill, it cannot be funded and will be terminated.

(B) Unauthorized programs cannot receive appropriations: The Balanced Budget Implementation Act creates a point of order in both Houses against any bill or provision thereof that appropriates funds to a program for which no authorization exists.

Specifics

Such point of order can be waived only by the affirmative vote of 3/5ths of the whole membership of each House. Appeals of the ruling of the Chair on such points of order also require a 3/5ths affirmative vote of the whole membership of each House.

A 3/5ths point of order shall lie against any authorization that is contained in an appropriation bill.

(C) All discretionary programs and unearned entitlements must be reauthorized every ten years: In the first session of the

Congress which follows the decennial Census reapportionment, the spending authority for all unearned entitlements and the most expensive one-third of all discretionary programs will expire for the fiscal year that begins in that session. In the second session of that Congress, the spending authority for the remaining discretionary programs will expire for the fiscal year that begins in that session. This provision will be enforced by the points of order contained in Section B) above.

TITLE 3.—LIMIT THE GROWTH OF ENTITLEMENTS TO THE GROWTH RATE OF SOCIAL SECURITY

(A) The Balanced Budget Implementation Act adopts President Bush's proposal to limit the aggregate growth of all entitlements other than Social Security to the growth rate formula of Social Security for the period FY 1996 to FY 2002: The aggregate growth of all entitlements other than Social Security is limited to the growth rate formula of Social Security, which is the consumer price index and the growth in eligible population.

(B) The Balanced Budget Implementation Act provides flexibility in the growth rate of entitlement programs: An individual entitlement program can grow faster than the overall entitlement cap as long as the aggregate growth in all entitlements (other than Social Security) does not exceed the entitlement cap.

(C) From FY 1996 to FY 2002, the aggregate spending growth cap on entitlements will be enforced by an entitlement sequester: The Balanced Budget Implementation Act provides that if aggregate spending growth in entitlements exceeds the total growth in consumer prices and eligible population, an across-the-board sequester to eliminate excess spending growth will occur on all entitlements other than Social Security. A 3/5ths vote point of order lies against any effort to exclude any entitlement from this sequester. This sequester would be in effect until Congress passes legislation which brings the entitlement program back within the cap, and the President signs the bill.

TITLE 4.—ESTABLISH FIXED DEFICIT TARGETS, RESTORE AND STRENGTHEN GRAMM-RUDMAN, AND REQUIRE A BALANCED BUDGET BY 2002

(A) Restore the fixed deficit targets of Gramm-Rudman (GR) enacted by President Reagan: The Balanced Budget Implementation Act modifies the existing GR maximum deficit amounts and extends the GR sequester mechanism to balance the budget by FY2002 and annually thereafter.

The Fixed deficit targets established for the next seven fiscal years will result in a balanced budget by the fiscal year 2002:

Fiscal year:	*Billions*
1996	$145
1997	120
1998	97
1999	72
2000	48
2001	24
2002	0

The new maximum deficit amounts will be enforced by the existing GR deficit sequester. After reaching a balanced budget, the GR sequester mechanism will become permanent to ensure the budget stays in balance.

(B) Strengthen the GR points of order: The Balanced Budget Implementation Act requires the strengthening of the existing GR budget points of order.

Specifics

A point of order will lie against all actions that 1) increase the deficit or 2) increase the limit on national debt held by the public beyond the deficit levels required in Section A & B (above). This point of order will lie in both Houses, and may be waived only by a 3/5ths vote of the whole membership of each House. An appeal of the point of order can only be waived by a 3/5ths vote. No rule in either House can permit waiver of such a point of order by less than 3/5ths affirmative vote of the whole membership of such House nor can such point of order be waived for more than one bill per vote on such point of order.

Once the budget is balanced, all points of order will become permanent to ensure the budget stays in balance.

(C) Protect Social Security: Social Security will be protected fully by 1) preserving the existing points of order to protect the Social Security trust fund; an 2) providing expedited procedures in 2002 for consideration of additional legislation to balance the budget excluding the Social Security Trust Fund.

(D) Extend the Discretionary Spending Caps: President Clinton proposed extending the existing caps on total discretionary budget authority and outlays to cover the fiscal years 1999 and 2000. That cap will be extended to also apply to the fiscal year 2001 and 2002, at the same level of President Clinton's proposed extension.

Outlays

Fiscal year:	*Billions*
1998	$542.4
1999	542.4
2000	542.4
2001	542.4
2002	542.4

(E) Look Back Sequester: In the last quarter of every fiscal year, a "look back" sequestration is required to eliminate any excess deficit for the current year. This look back sequester will guarantee that the actual deficit target set for that year is achieved.

Specifics

On July 1 of every fiscal year, the Office of Management and Budget (OMB) will order an initial look back sequester based on the most recent OMB deficit estimates. On July 15, the OMB Mid-Session Review will update and finalize the sequester order. The final order will stay in effect unless offset by appropriate legislation to bring the deficit into compliance with that year's target.

APPOINTMENTS BY THE MINORITY LEADER

The PRESIDING OFFICER. The Chair, on behalf of the minority leader, pursuant to Senate Resolution 105, adopted on April 13, 1989, as amended by Senate Resolution 280, adopted October 8, 1994, announces the following appointments and designations to the Senate Arms Control Observer Group:

The Senator from West Virginia [Mr. BYRD] as minority administrative cochairman; and

The Senator from Georgia [Mr. NUNN] as cochairman for the minority.

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

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

CLOTURE MOTION

Mr. LOTT. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators in accordance with the provisions of rule XXII of the Standing Rules of the Senate do hereby move to bring to a close debate on S. 1, the unfunded mandates bill:

Bob Dole, Dirk Kempthorne, Bill Roth, J.M. Inhofe, Paul D. Coverdell, Bill Frist, Slade Gorton, Olympia Snowe, Spencer Abraham, Rick Santorum, Bob Smith, Jon Kyl, Dan Coats, Craig Thomas, Conrad Burns, Phil Gramm, Thad Cochran, Mitch McConnell, Richard Shelby, Fred Thompson.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, although progress has been made today, there are still approximately 30 amendments on the list to be considered. The managers say many of those approximately 30, at least some of them, will not be offered. But until they are formally stricken from the list, there is still the risk they could each be called up. The majority leader has made it very clear. He has been very patient in trying to work through this bill and the amendments thereto. The bill's managers certainly have been working very assiduously to try to reduce the amendment list and bring this to closure.

Also, the leader has made it clear he intends for us to complete this bill this week. In order to do that we have to work through this list, either have them stricken or acted on. If we do not get them completed tomorrow at a reasonable time, then it would go beyond that.

I understand there are only a few issues that still really need to be resolved. However, if they cannot be resolved amicably then it may be necessary to close off debate. If cloture is invoked, I am not sure exactly how many of these amendments are not germane, but those that are not germane would then be dealt with through the cloture motion and we could move on to the remaining amendments.

If going through cloture appears to be necessary tomorrow afternoon, it will be agreeable to this side of the aisle to waive the intervening day and have the cloture vote tomorrow. But I know there would be discussion between the majority leader and the minority leader before that would be done. I just wanted to put that out on the RECORD tonight. Perhaps we can get this thing really moving tomorrow, and it will not be necessary. But in

order to deal with the time requirements, it was essential we put the cloture motion down at this time.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, the hour is late. I do not plan to debate this. In fact, there is no debate on a cloture motion, obviously. It can be filed at any time.

I am sorry it has to be filed or the majority feels it has to be filed in that I think we have had a very productive day here. We have worked very hard all day today. I just asked staff to total up what we had done today. We had five amendments accepted, one was withdrawn, and one was set aside. In that breakdown of five that were accepted, three were Democratic ones and two Republican. We had one amendment debated that was put over for vote tomorrow, and that vote will occur tomorrow morning. And we had three amendments tabled.

That is 11 effective actions on this bill today. I think that is rather good progress. I would say to my friend from Mississippi—we will not go into the whole litany of how we got to where we are—but we lost the first several days working on this bill basically because of what happened in committee, where we had actions taken in committee to speed this to the floor that prohibited any amendments. We were guaranteed once this reached the floor there would be plenty of time for all the amendments, to take them up on the floor. Now we get to the floor and the attempt is made to restrict or at least discourage amendments from coming up. That violates at least the spirit of what we were told in committee.

In committee also, the action there that caused us to lose quite a bit of time was the action wherein there was not a committee report sent. For those who are not familiar with how important a committee report is, it is what in layman's language explains to all the Senators and their staffs what the technical legalese language is in the bill itself. So on something like this that really is landmark legislation, that report was very important. We objected to the bill being filed without the report. We were voted down on that, and that was the issue that Senator BYRD took up—and quite successfully. On that issue alone, we spent some 2 or 2½ days.

Then we are finally told we can get the report, but then when the time came for the report to be filed it was not filed and we lost another day. Then we found out the Budget Committee, which also has jurisdiction over this, had not filed their report and that took another day.

So about the first 5 days, in fact the first week that this legislation was up, I submit we lost that time basically because of the actions that were taken in committee that I have never seen—in my 20 years here, I have never seen actions like that, where the minority was denied a report.

I know I chaired the Committee on Governmental Affairs for some 8 years, and the only time we ever sent a bill to the floor without a report was with the complete acceptance of that move by the minority. So I think the first 5 days we can mark off as being days, rancorous though they were here on the floor, that were caused by the attempt to bypass the normal procedures of the Senate.

I think with all that behind us, we are back on track now. We are dealing with this. I want to move as forcefully and as fast as possible. We had a good day yesterday. I do not have a summary of what happened yesterday, but today we have had 11 effective actions and I just hope we can continue moving tomorrow and I hope we do not have to exercise a cloture motion. I just wanted to spell that out.

The PRESIDING OFFICER. The acting majority leader.

Mr. LOTT. Mr. President, I want to say again I know the distinguished Senator from Ohio has worked very hard to try to move it forward. I know it has not been easy. I know he worked on it last year and great progress was made last year. That effort made it possible for us to have a bill this early in this session. I acknowledge that, and I want to take this opportunity on behalf of all his colleagues to commend him, and certainly our distinguished colleague from Idaho, Senator KEMPTHORNE, who has really been very diligent in trying to work through this, also.

But I do want to point out a couple of things. This is the 9th day that we have been on this bipartisan, I thought relatively noncontroversial, bill. There have been some actions that have been taken that have added some language to the bill. I believe the Senator would say he has made some improvements as he has gone along.

Mr. GLENN. Will the Senator yield?

Mr. LOTT. Sure.

Mr. GLENN. As I pointed out a moment ago, 9 days is correct that we have been on this bill. The first 5 days we lost, as far as effective action on the bill goes, because of what happened in the committee and the speed of putting in the bill in the Senate one day, having a hearing the next day, the markup the third day, no report, and over our objections in the minority. We had repeated votes in committee, and it was a wrangle over that here on the floor—my distinguished colleague from West Virginia was involved. It was that wrangle on the floor about the filing of reports that were not filed when they were supposed to be, even after agreement they would be filed—it was that issue alone that caused us to lose the first 5 days.

The last 4 days, where we have really been operating on this bill, especially the last 2 days, we have made excellent progress. As I said—we read off the list that we had today—we have had 11 effective actions on this bill today.

Mr. LOTT. Mr. President, if the Senator will yield on that, when you say 11 effective actions, do you mean 11 amendments? Or seven amendments? How many amendments were disposed of?

Mr. GLENN. As I said a while ago, Mr. President, we had accepted five amendments; there were three on the Democratic side and two on the Republican side that were accepted—effective actions. We had one that was withdrawn. We had one that was set aside. We had one that was debated with the vote to occur tomorrow, and three were tabled. That is 11 effective actions, as I total them up.

So we are moving on this, is my point. I know cloture has been filed. This is not the time to debate cloture.

I just want to balance all of the blame we have been getting and the heat around us over here. I think it is not justified. At least the first 5 days that this was on the floor were not effective days for other reasons. They were noneffective days because of what happened in committee, which I think was unwarranted.

Mr. LOTT. Mr. President, I certainly understand what the Senator has said. I would like to note that, while I think progress was made today, we would all acknowledge that, at that pace, since we dealt with I guess 5 amendments today, on that basis it would still take us another 5 or 6 days with approximately 30 amendments pending. Even though we made good progress, if we are able to dispose of five or six a day, this thing could keep going on down the line. Certainly in the first couple of days a lot of discussion was delivered or exchanged on reports.

I point out that objection was heard, and an effort was made to get the reports filed. I have before me the two reports. In fact, the report from the Governmental Affairs Committee was available on the 12th of January. That is a Thursday. It is 45 pages long. I am sure the Senators have had more than ample time to review that in these succeeding days. Then the report from the Budget Committee was available on Friday the 13th. There are 38 pages there. Certainly there was time to review that.

So the objection was made, and the reports then were printed and made available in a way that everybody could have a chance to review them. I want to make sure that point is made, that the reports have been available now for 12 or 13 days.

Then also just one other point. Talking about the time lost the first couple of days, I think it is fair to note that the majority leader properly and because of his appreciation for the family and the need for various Senators to

attend a funeral earlier this week, we in fact did not have any votes. There was not a lot of action on Monday even though we were scheduled to have votes any time after 4 p.m. In fact, they did not occur until late on Tuesday to accommodate a lot of Senators. We do not blame anybody for that. Those things happen. A compassionate leader would always honor that.

There are arguments on both sides. But I think the leader wanted to make sure that he took action to try to deal with this problem. For instance, if maybe we could get some information as to how many of these amendments will be stricken from the list, that would help. I understand that has not been available. If it is not approximately 30, if in fact it is 15, then that would make a lot of difference.

Mr. GLENN. The Senator is absolutely correct. I agree with that. We have already asked that be checked on our side to see how many will probably not be called up so we will know what is on the list. There are serious amendments left. And I am hoping the same thing can be done on the Republican side so we can combine things and maybe start getting some time agreements and so on.

Just one further statement on this. One of the reasons I think there were some amendments filed on this is because when people finally had a chance to read the reports and understand what was in the legislation, they had some concern about it. So they started filing their amendments. These have been substantive amendments which we have been considering.

Mr. LOTT. Does the Senator mean today or yesterday?

Mr. GLENN. Most of them yesterday and today. The ones that Senator LEVIN put in and several others here today. Some not dealing directly with this would have been accepted in committee. I grant that. But I think because we finally got the report people had a chance to look at it and understand what was in the bill. That is one reason we had so many amendments. Had we been permitted to do this in committee, I think there would not be nearly the number of amendments when we got to the floor.

Mr. LOTT. One response, if I could, I understand. Like the Senator from Ohio, I do not want to go on at great length. A lot of these amendments in that long list of about 100 certainly were not germane and not relevant to this bill. We spend a lot of time on both sides on things like history standards, the abortion clinic violence, and maybe the pornography—a lot of amendments in which it would be a huge leap to say that they really were urgent right now and that they were really relevant to this bill. But I think maybe we have been through that exercise and now we are down to really trying to deal with the amendments that have been offered that really are of concern.

I hope maybe we can complete that, and maybe in the spirit that the distinguished Senator from Ohio was exhibiting here tonight we will move right along tomorrow and be able to bring it to a conclusion.

Mr. GLENN. We will do our best.

Mr. LOTT. Mr. President, I will have a final closing statement, unless any other Senator would like to be heard at this time.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate.

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-244. A communication from the Director of the Congressional Budget Office, transmitting, pursuant to law, the report on unauthorized appropriations and expiring authorizations dated January 15, 1995; to the Committee on Appropriations.

EC-245. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 93-16; to the Committee on Appropriations.

EC-246. A communication from the Deputy Assistant Secretary of the Air Force, transmitting, pursuant to law, notice of a cost comparison of base operating support; to the Committee on Armed Services.

EC-247. A communication from the Chair of the Defense Environmental Response Task Force, Under Secretary of Defense, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Armed Services.

EC-248. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the B-1 Conventional Mission Upgrade Program; to the Committee on Armed Services.

EC-249. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report of the Advisory Board on the Investigative Capability of the Department of Defense; to the Committee on Armed Services.

EC-250. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Tunisia; to the Committee on Banking, Housing, and Urban Affairs.

EC-251. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Russia; to the Committee on Banking, Housing, and Urban Affairs.

EC-252. A communication from the Director of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC-253. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, the report on a transaction involving U.S. exports to Australia; to the Committee on Banking, Housing, and Urban Affairs.

EC-254. A communication from the Secretary of Commerce, transmitting, pursuant to law, the Bureau of Export Administration's annual report for fiscal year 1994; to the Committee on Banking, Housing, and Urban Affairs.

EC-255. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of sales and advertising expenditures data for calendar years 1992 and 1993; to the Committee on Commerce, Science, and Transportation.

EC-256. A communication from the Chairman of the Consumer Product Safety Commission, transmitting, pursuant to law, the annual report for fiscal year 1993; to the Committee on Commerce, Science, and Transportation.

EC-257. A communication from the Administrator of the National Highway Traffic Safety Administration, transmitting, pursuant to law, the report of the study of the safety impact of permitting right-turn-on-red; to the Committee on Commerce, Science, and Transportation.

EC-258. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the comprehensive program management plan; to the Committee on Energy and Natural Resources.

EC-259. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report for fiscal year 1993 entitled "Outer Continental Shelf Lease Sales: Evaluation of Bidding Results and Competition"; to the Committee on Energy and Natural Resources.

EC-260. A communication from the Secretary of the Interior, transmitting, pursuant to law, the annual report on the Outer Continental Shelf Natural Gas and Oil Leasing and Production Program for fiscal year 1993; to the Committee on Energy and Natural Resources.

EC-261. A communication from the Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report entitled "The Clean Air Act Ozone Design Value Study"; to the Committee on Environment and Public Works.

EC-262. A communication from the President of the United States, transmitting, pursuant to law, the Executive Order relative to the seismic safety of Federally-owned or leased buildings; to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Rules and Administration, without amendment:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate (Rept. No. 104-6).

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. BAUCUS:

S. 274. A bill entitled the "Old Faithful Protection Act of 1995"; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself, Mr. BOND, Mr. BURNS, Mr. HELMS, Mr. MCCONNELL, Mr. PRESSLER, and Mr. NICKLES):

S. 275. A bill to establish a temporary moratorium on the Interagency Memorandum of Agreement Concerning Wetlands Determinations until enactment of a law that is the successor to the Food, Agriculture, Conservation, and Trade Act of 1990, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. COCHRAN:

S.J. Res. 24. A joint resolution proposing an amendment to the Constitution of the United States relative to the free exercise of religion; 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. BINGAMAN (for himself, Mr. DASCHLE, Mr. DOLE, Mr. ROCKEFELLER, Mr. PELL, and Mr. ROBB):

S. Res. 72. A resolution expressing support for the nation and people of Japan and deepest condolences for the losses suffered as the result of the earthquake of January 17, 1995; considered and agreed to.

By Mr. STEVENS:

S. Res. 73. An original resolution authorizing biennial expenditures by committees of the Senate; from the Committee on Rules and Administration; placed on the calendar.

By Mr. MURKOWSKI (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, and Mr. THOMAS):

S. Con. Res. 4. A concurrent resolution expressing the sense of the Congress with respect to North-South dialogue on the Korean Peninsula and the United States-North Korea Agreed Framework; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAUCUS:

S. 274. A bill entitled the "Old Faithful Protection Act of 1995"; to the Committee on Energy and Natural Resources.

THE OLD FAITHFUL PROTECTION ACT

Mr. BAUCUS. Mr. President, Americans first heard about Yellowstone National Park back in the 1850's, from an old mountain man by the name of Jim Bridger.

Bridger told about a place where water ran so quickly it heated the stream bed through friction. He said steam rose up from the edges.

He told folks about how you could cook a trout without taking it off the line—just catch the fish in the Firehole River and swing it into one of the steam cauldrons on the bank.

Folks back then were a little hard pressed to believe Jim Bridger. But when they saw it for themselves, they were convinced. President Ulysses S. Grant made it our first national park on March 1, 1872.

Today, millions of Americans have visited Yellowstone to see the geysers and mudpots and hot springs that make this a unique place. And I think we all want to make sure we keep it forever.

That is why today, I am introducing the Old Faithful Protection Act of 1995. This legislation guarantees that Yellowstone—our Nation's first national park—will remain the marvel that it was, is, and should always be.

Why am I doing this? Because while Jim Bridger was a great man, he was no geologist. Yellowstone has geysers, paint pots, and steam cauldrons not because of fast-running streams, but because of the geothermal characteristics of the underlying rock formations.

These structures are fragile. In the past, some have been tempted to tap into them for energy. And when that has happened elsewhere the geysers have vanished.

A 1991 National Park Service report found that geothermal development has dried up 7 of the world's 10 major geyser systems. Systems have disappeared in China, Russia, Chile, and Iceland. Next door in Nevada, 30 geysers were active as recently as 1958. Extensive geothermal development has dried them all up. They are gone forever.

The same thing could happen in Yellowstone. And as the Park Service report concludes, "any risk, no matter how small, to Yellowstone's geothermal resource is too much risk."

The Old Faithful Protection Act guarantees complete protection to Yellowstone's world famous geysers, paint pots, mud volcanoes, and hot springs.

It forbids geothermal development on Federal lands within approximately 15 miles of Yellowstone's boundaries.

It lets Montana, Idaho, and Wyoming regulate geothermal development on State and private lands within this 15-mile buffer zone provided that each State develops a regulatory program that adequately protects Yellowstone.

In summary, the Old Faithful Protection Act makes sure that Yellowstone is protected, private property rights are respected, and the appropriate role of the States in managing the water resource is recognized.

We owe it to future generations to preserve Yellowstone so that they can see the same wondrous sights that Jim Bridger saw 140 years ago.

And we owe it to the many people whose jobs depend on Yellowstone—guides, small businesses, nearby hotels and more—to keep their livelihood safe.

And I want to put my colleagues on notice about this bill. Last Congress, my friend and colleague Congressman PAT WILLIAMS brought this through the House on an overwhelming vote.

Unfortunately, it was held up here in the Senate. I will not let that happen again. I have written to the chairman of the Energy and Natural Resources Committee, asking for an immediate hearing and rapid action on the bill. And if that does not happen, I will bring this bill to the floor at every opportunity, because I believe Yellowstone is that important to me and to Montana.

As Teddy Roosevelt said 90 years ago:

> There can be nothing in the world more beautiful than the Yosemite, the groves of giant sequoias and redwoods, the Canyon of the Colorado, the Yellowstone * * * and our people should see to it that they are preserved for their children and their children's children forever, with their majestic beauty all unmarred.

Yellowstone compares with Yosemite National Park, one of Teddy Roosevelt's favorites.

Mr. President, no risk to the park is too small to ignore. I consider this bill a top priority. And I urge my colleagues to give it their strong support.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

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

U.S. SENATE,
Washington, DC, January 25, 1995.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, Dirksen Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: Today I am introducing the "Old Faithful Protection Act of 1995." This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

U.S. SENATE,
Washington, DC, January 25, 1995.

Hon. J. BENNETT JOHNSTON,
Committee on Energy and Natural Resources, Washington, DC.

DEAR MR. JOHNSTON: Today I am introducing the "Old Faithful Protection Act of

1995." This legislation is intended to protect the hydrothermal systems associated with Yellowstone National Park, an objective I have long been a strong advocate of. I have gone to great lengths to tailor this legislation so that it protects Yellowstone, while respecting private property rights and the important role of states in managing their water.

The importance of this legislation to maintaining the integrity of Yellowstone National Park cannot be understated. It is my intention to do everything I can to see this bill to final passage during this Congress, and I would very much appreciate your assistance. Toward that end, I ask that you hold a hearing on this legislation at as early a date as possible.

I look forward to hearing from you in the near future on this matter.

With best personal regards, I am

Sincerely,

MAX BAUCUS.

By Mr. D'AMATO:

S. 276. A bill to provide for criminal penalties for defrauding financial institutions carrying out programs under the Small Business Act and the Small Business Investment Act of 1958, and for other purposes; to the Committee on the Judiciary.

THE SMALL BUSINESS FINANCIAL INSTITUTION PROTECTION ACT

• Mr. D'AMATO. Mr. President, I introduce legislation to address the problem of bank fraud that is being perpetuated against the U.S. Small Business Administration [SBA]. The SBA besides specializing in small business loans also gets heavily involved in loans for disaster relief areas. Currently there are over 5,000 loans in default with the SBA. These defaulted loans represent a loss over $1.8 billion to the SBA and the financial institutions that processed the loans. Since 1990, the SBA has repurchased in excess of $878 million of these defaulted loans yielding a direct loss to the U.S. Government. The remaining $300 million lost in this process was incurred by the federally insured financial institutions that processed the loans. The SBA guidelines for approving loans are adopted by the financial institution, these guidelines are clearly deficient. The background investigation and financial checks for SBA loan approval are basically nonexistent. The amount of fraud associated with SBA loans is extraordinary.

In addition to the internal loan approval problems present in the SBA, there are several problematic areas within the prosecution of these violations. Currently SBA violations are prosecuted under title 18 USC, section 1001 (False Statements) and section 287 (False, fictitious or fraudulent claims). Both of these sections are merely 5-year counts. The U.S. Attorney's offices nationwide, due to the large caseload, have to prioritize their prosecutions. Five-year violations are usually declined due to lack of prosecutive merit. Furthermore, this meager judicial penalty allows for these violations to be cost effective for the defendants. Most of the SBA defaulted loans are over $100,000. These violations rarely result in prison terms, therefore crime truly does pay.

The second problematic area within the prosecution of these violations is that neither of these sections have asset forfeiture provisions. Therefore, the SBA must make a business decision to prosecute or proceed civilly.

My legislation will address all these issues. First, by incorporating SBA violations under title 18 USC, section 1344—(Bank Fraud) prosecutive thresholds will be met in virtually all U.S. attorney's offices. Second, this section will raise the penalties associated with these violations. This in effect will send the message out that we will not tolerate abuses against our financial systems of the U.S. Government. The current penalties for violation of section 1344 impose a fine of not more than $1 million or imprisonment of not more than 30 years, or both. This increased exposure tells would-be defendants that crime does not pay. And lastly, section 1344 has asset forfeiture provisions. This allows both for the return of the illegally gained proceeds to the Government and the victim financial institutions and for the prosecution of those involved. As is clearly demonstrated by the above figures, SBA fraud is already a form of bank fraud in that federally insured financial institutions share in the losses when SBA loans are defaulted. The recent indictment in Los Angeles of 16 defendants, highlights the necessity for this change. These defendants were responsible for approximately $10 million in losses. Just in my State alone during the last 4 years over $20 million in losses were incurred by defaulted SBA loans.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

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

S. 276

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 "Small Business Financial Institution Protection Act".

SEC. 2. CRIMINAL PENALTIES.

Section 1344 of title 18, United States Code, is amended—

(1) in paragraph (1), by inserting "or the Small Business Administration" after "financial institution"; and

(2) in paragraph (2), by inserting "or the Small Business Administration" after "financial institution,".•

By Mr. D'AMATO:

S. 277. A bill to impose comprehensive economic sanctions against Iran; to the Committee on Banking, Housing, and Urban Affairs.

THE COMPREHENSIVE IRAN SANCTIONS ACT OF 1995

• Mr. D'AMATO. Mr. President, I introduce the Comprehensive Iran Sanctions Act of 1995. This act will institute a total trade embargo between the United States and the Islamic Republic of Iran. This embargo will also include a prohibition on all trade engaged in by a U.S. national abroad, but exempt all humanitarian supplies.

This legislation is modeled after a provision in the Cuban Democracy Act, and forbids any United States-owned foreign subsidiary from doing business with Iran. Moreover, it will end the ability of United States oil companies to buy Iranian oil and then resell it on the open market. We must stop subsidizing Iranian terrorism. Our purchase of Iranian oil does just that. In 1993, oil purchases by United States companies of Iranian crude oil bought and resold in foreign markets amounted to $3.5 billion, or 25 percent of all Iranian crude oil sales.

United States companies supply annually over $750 million in exports to Iran. In the first 6 months after the imposition of the sanctions in October 1992, $461 million in exports to Iran required G–DEST or General Destination licenses. Companies using G–DEST licenses do not submit individual license applications, thereby removing the State and Defense Departments from the review process. This process makes it easier to slip dual-use material through the oversight process and for Iran to continue receiving exports that it can convert for use in its military and nuclear program. This is exactly what Iraq did during the 1980's and we allowed it to happen. We cannot allow the same mistake to be repeated.

Iran is arming itself to the teeth, and we are simply ignoring it. Iran conducted a $12 billion shopping spree for arms in 1990, and is stockpiling Chinese and North Korean Scud missiles. In 1991, Iran purchased Chinese nuclear technology and a nuclear reactor. This, in addition to its ongoing receipt of U.S. dual-use exports, portends a very dangerous situation.

Iran set forth 2 years ago, an arms budget estimated at over $50 billion for the following 5 years. This should make it clear to all that Iran aims to build itself into a regional nuclear power intent on spreading its will by force. We cannot sit back and allow this bloodthirsty band of terrorists to grow into a monster too big for anyone to handle.

Moreover, Iran's territorial expansion into North Africa and Central Asia is seemingly being ignored. Iranian-supported terrorists are active in Algeria, Tunisia, Morocco, Egypt, Yemen, and in Israel. Iran is also making serious efforts at spreading its influence into Afghanistan and Tajikistan. While this may seem tangential, Iran's spreading influence is indicative of a

wider, more dangerous effort, designed to build an anti-American bloc. This much has even been alleged, regarding suggestions of some Sudanese role in the bombing of the World Trade Center.

Iran's actions, speak louder than words and its continued effort at obtaining weapons of mass destruction, as well as its pursuit of an Islamic fundamentalist, anti-American bloc, speak volumes about its intent in the world today.

With Iran's goals in mind, the United States should not be providing it with the capabilities to build such weapons to fulfill its aims. Unfortunately, the Commerce Department has found no illegal exports, but is investigating some potentially suspect cases. I would suggest that if the administration is sincere about true export control, it should reexamine its policy vis-a-vis Iran. Over a year ago, Secretary of State Christopher announced an American intention to isolate Iran, yet the continued export of dual-use material to this country and the American purchase of Iranian oil, seems to run counter to this pronouncement.

If the world community wishes to avoid another Middle Eastern war, we must join together to take any and all steps necessary to prevent Iran from its goal of nuclear domination of the Middle East. In 1981, Israel foresaw the danger in Iraq. In 1995, let us not ignore the danger again with Iran and miss an opportunity to stop this problem before it gets too big.

We must sever any remaining trade between the United States and Iran, to ensure that we do not provide them with anything that will come back to haunt us. We must take the lead and begin a worldwide effort at halting all exports to Iran until it sheds its violence and antagonism towards the West. When Iran agrees to join the rest of the civilized world, then we can consider lifting sanctions.

I urge my colleagues to join me in cosponsoring this legislation.

Mr. President, 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. 277

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 "Comprehensive Iran Sanctions Act of 1995".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhitiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury

shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term "Iran" includes any agency or instrumentality of Iran;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).•

ADDITIONAL COSPONSORS

S. 9

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 9, a bill to direct the Senate and the House of Representatives to enact legislation on the budget for fiscal years 1996 through 2003 that would balance the budget by fiscal year 2003.

S. 47

At the request of Mr. SARBANES, the names of the Senator from Hawaii [Mr. AKAKA], and the Senator from Hawaii [Mr. INOUYE] were added as cosponsors of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 50

At the request of Mr. LOTT, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of S. 50, a bill to repeal the increase in tax on social security benefits.

S. 141

At the request of Mrs. KASSEBAUM, the names of the Senator from Arizona [Mr. KYL], and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of S. 141, a bill to repeal the Davis-Bacon Act of 1931 to provide new job opportunities, effect significant cost savings on Federal construction contracts, promote small business participation in Federal contracting, reduce unnecessary paperwork and reporting requirements, and for other purposes.

S. 165

At the request of Mr. MCCAIN, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 165, a bill to require a 60-vote supermajority in the Senate to pass any bill increasing taxes.

S. 174

At the request of Mr. SIMON, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 174, a bill to repeal the prohibitions against political recommendations relating to Federal employment and United States Postal Service employment, and for other purposes.

S. 194

At the request of Mr. MCCAIN, the names of the Senator from Alaska [Mr. STEVENS], and the Senator from Maine [Mr. COHEN] were added as cosponsors of S. 194, a bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes.

S. 198

At the request of Mr. CHAFEE, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 198, a bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes.

S. 200

At the request of Mr. BRADLEY, the name of the Senator from New Jersey [Mr. LAUTENBERG] was added as a cosponsor of S. 200, a bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor.

S. 205

At the request of Mrs. BOXER, the name of the Senator from Wisconsin [Mr. KOHL] was added as a cosponsor of S. 205, a bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge.

S. 208

At the request of Mr. DASCHLE, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 208, a bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States.

S. 226

At the request of Mr. DOMENICI, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 226, a bill to designate additional land as within the Chaco Culture Archeological Protection Sites, and for other purposes.

S. 240

At the request of Mr. DOMENICI, the names of the Senator from Colorado [Mr. BROWN], and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 240, a bill to amend the Securities Exchange Act of 1934 to establish a filing deadline and to provide certain safeguards to ensure that the interests of investors are well protected under the implied private action provisions of the Act.

S. 241

At the request of Mr. D'AMATO, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of S. 241, a bill to increase the penalties for sexual exploitation of children, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Indiana [Mr. COATS], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Nevada [Mr. BRYAN] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

SENATE JOINT RESOLUTION 1

At the request of Mr. DOLE, the names of the Senator from New Mexico [Mr. DOMENICI], the Senator from North Carolina [Mr. HELMS], and the Senator from Tennessee [Mr. FRIST] were added as cosponsors of Senate Joint Resolution 1, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

SENATE JOINT RESOLUTION 16

At the request of Mr. BROWN, the name of the Senator from Iowa [Mr. GRASSLEY] was added as a cosponsor of Senate Joint Resolution 16, a joint resolution proposing an amendment to the Constitution of the United States to grant the President line-item veto authority.

SENATE JOINT RESOLUTION 17

At the request of Mr. KEMPTHORNE, the names of the Senator from Washington [Mr. GORTON] and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of Senate Joint Resolution 17, a joint resolution naming the CVN-76 aircraft carrier as the U.S.S. *Ronald Reagan*.

SENATE JOINT RESOLUTION 22

At the request of Mr. GRAMS, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of Senate Joint Resolution 22, a joint resolution proposing an amendment to the Constitution of the United States to require a balanced budget.

AMENDMENT NO. 199

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. BRADLEY] and the Senator from California [Mrs. BOXER] were added as cosponsors of amendment No. 199 proposed to S. 1, a bill 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.

AMENDMENT NO. 201

At the request of Mrs. BOXER, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of amendment No. 201 proposed to S. 1, a bill 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.

AMENDMENT NO. 202

At the request of Mrs. BOXER, the names of the Senator from Washington [Mrs. MURRAY] and the Senator from Minnesota [Mr. WELLSTONE] were added as cosponsors of amendment No. 202 proposed to S. 1, a bill 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.

SENATE CONCURRENT RESOLUTION 4—RELATIVE TO THE KOREAN PENINSULA

Mr. MURKOWSKI (for himself, Mr. SIMON, Mr. HELMS, Mr. ROBB, and Mr. THOMAS) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 4

Whereas the Agreed Framework Between the United States and the Democratic People's Republic of Korea of October 21, 1994, states in Article III, paragraph (2), that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula";

Whereas the Agreed Framework also states the "[t]he DPRK will engage in North-South dialogue, as this Agreed Framework will help create an atmosphere that promotes such dialogue";

Whereas the two agreements entered into between North and South Korea in 1992, namely the North-South Denuclearization Agreement and the Agreement on Reconciliation, Nonaggression and Exchanges and Cooperation, provide an existing and detailed framework for dialogue between North and South Korea;

Whereas the North Korean nuclear program is just one of the lingering threats to peace on the Korean Peninsula; and

Whereas the reduction of tensions between North and South Korea directly serve United States interests, given the substantial defense commitment of the United States to South Korea and the presence on the Korean Peninsula of United States troops: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. STEPS TOWARD NORTH-SOUTH DIALOGUE ON THE KOREAN PENINSULA.

It is the sense of the Congress that—

(1) the executive branch should take steps to ensure that the implementation of the Agreed Framework between the United States and North Korea, dated October 21, 1994, is linked to substantive and rapid progress in dialogue between North and South Korea; and

(2) together with South Korea and other concerned allies, and in keeping with the spirit and letter of the 1992 agreements between North and South Korea, the executive branch should develop specific timetables for achieving measures to reduce tensions between North and South Korea, such as—

(A) holding a North Korea-South Korea summit;

(B) the prompt dismantlement of North Korea's nuclear reprocessing facility;

(C) the initiation of mutual nuclear facility inspections by North and South Korea;

(D) the establishment in both North and South Korea of North-South Liaison Offices;

(E) the establishment of a North-South joint military commission to discuss steps to reduce tensions between North and South Korea, including—

(i) the mutual notification and control of major troop movements and major military exercises;

(ii) the relocation of troops to positions further from the demilitarized zone;

(iii) exchanges of military personnel and information;

(iv) the installation of a telephone "hotline" between military authorities; and

(v) phased reductions of armaments and troops, and verification thereof;

(F) the expansion of trade relations between North and South Korea;

(G) the promotion of freedom to travel between North and South Korea by citizens of both North and South Korea;

(H) exchanges and cooperation in science and technology, education, the arts, health, sports, the environment, publishing, journalism, and other fields of mutual interest;

(I) the establishment of postal and telecommunications services between North and South Korea; and

(J) the reconnection of railroads and roadways between North and South Korea.

SEC. 2. PRESIDENTIAL ENVOY.

The President should appoint a senior official with appropriate experience to represent him in communicating directly with the North Korean government regarding the steps and measures set forth in section 1, and to consult with South Korea and other concerned allies regarding such communications.

SEC. 3. REPORT TO CONGRESS.

The President should report to the Congress, within 90 days after the adoption of this concurrent resolution, regarding the progress made in carrying out sections 1 and 2.

SEC. 4. DEFINITIONS.

As used in this concurrent resolution—

(1) the term "North Korea" means the Democratic People's Republic of Korea; and

(2) the term "South Korea" means the Republic of Korea.

SEC. 5. DELIVERY OF RESOLUTION TO PRESIDENT.

The Secretary of the Senate shall transmit a copy of this concurrent resolution to the President.

• Mr. MURKOWSKI. Mr. President. I submit a concurrent resolution that

expresses the Sense of the Congress regarding the serious issue of North Korea-South Korea dialog as part of the United States-North Korea Agreed Framework on the nuclear issue. I am joined today by my colleagues Senator SIMON, HELMS, ROBB, and THOMAS in submitting this resolution. Several of our colleagues on the House side have submitted a similar resolution today.

I do not intend at this time to launch into a lengthy critique of the agreed framework signed between the United States and the Democratic People's Republic of Korea [DPRK]. I chaired a hearing last week in the Senate Energy and Natural Resources Committee to examine the agreement in greater detail. Other hearings on the agreed framework are being held in the Senate Foreign Relations Committee and Armed Services Committee this week. And I believe this body will have an opportunity to debate the entire agreement in detail when the administration seeks additional funding to carry out the provisions of the agreed framework.

Today, however, I want to focus on a specific, and critical, element of the agreed framework: the necessity of a meaningful North-South dialog. Without such a dialog, I am convinced that implementation of the agreed framework is unworkable.

Section III(2) of the agreed framework specifies that "[t]he DPRK will consistently take steps to implement the North-South Joint Declaration on the Denuclearization of the Korean Peninsula." The agreed framework goes on to say in section III.(3) that "[t]he DPRK will engage in North-South dialogue, as this agreed framework will help create an atmosphere that promotes such dialogue." Yesterday, in testimony before the Senate Foreign Relations Committee, Secretary of State Warren Christopher had this to say about these provisions: "As part of the framework, North Korea has pledged to resume dialogue with South Korea on matters affecting peace and security on the peninsula. We have made clear that resuming North-South dialogue is essential to the success of the framework—so important that we were prepared to walk away from the framework if North Korea had not been willing to meet that condition."

I am gratified that the United States negotiators held firm on including references to these two North-South issues, but I am greatly concerned that the requirements were not spelled out in greater detail in the agreement. For instance, what is the time line for progress? At what point will the United States stop fulfilling its commitments under the agreed framework if there has been progress in North-South relations.

It is this lack of specificity that has led me and my colleagues to introduce this resolution. The resolution calls on the executive branch to take steps to ensure that the implementation of the agreed framework is linked to substantive and rapid progress in the dialogue between North and South Korea, including developing timetables for achieving measures to reduce tensions between North and South Korea. Although not a comprehensive list, positive measures could include: First, hold a North-South summit; second, prompt dismantlement of North Korea's reprocessing facility; third, initiation of mutual nuclear facility inspections; fourth, establishment of North-South Liaison offices; fifth, establishment of a North-South joint military commission; sixth, expansion of trade relations; seventh, promotion of freedom to travel; eighth, exchanges and cooperation in science and technology, education, the arts; health, sports, the environment, publishing, journalism, and other fields of mutual interest; ninth, establishment of postal and telecommunications services; and tenth, reconnection of railroads and roadways.

The resolution also calls on President Clinton to appoint a senior official to communicate directly with the North Korean Government regarding the steps and measures, and to consult with South Korea and other concerned allies regarding such communications. In addition, the resolution calls on the President to report to Congress within 90 days regarding the progress made in the specific steps.

Mr. President. I do not need to remind my colleagues that 37,000 American soldiers stationed on the demilitarized zone remain in harm's way. We all received a grim reminder of this when a U.S. helicopter was shot down on December 17, 1994, killing one U.S. airman and detaining another on false charges of American espionage.

These American troops are part of the nearly 2 million troops who face each other across a heavily fortified demilitarized zone. Three decades of on-again, off-again talks between Pyongyang and Seoul have produced no significant progress in reducing tensions. Although a cease-fire ended the Korean war in 1953, the two sides technically remain at war. The agreed framework does not adequately address the underlying tensions between North and South Korea. Nor do I believe that North and South Korea will simply work everything out without some outside assistance. For that reason, I believe that the Clinton administration must take specific steps to ensure that North Korea lives up to its commitment under the agreed framework.

I hope this resolution will take us a step in the right direction.●

● Mr. SIMON. Mr. President, there are many trouble spots in the world. But there may be no more dangerous border right now than the one that divides North and South Korea. Approximately 1 million troops, North Korean, South Korean, and United States, are arrayed along either side of that 150-mile-long line. And yet, with all that firepower ready to use, there is practically no communication across that line. It is one of the most hermetic borders in the world, rivalled, perhaps, only by those of Albania in its heyday.

Last December my colleague Senator FRANK MURKOWSKI and I saw that formidable border with our own eyes, when we crossed the demilitarized zone from North to South. And that same month we all saw some of the consequences of the lack of communication, when a United States helicopter was shot down over North Korea. What in other circumstances might have been handled as a routine incident became a protracted war of nerves, with the freedom of one U.S. airman and the remains of another hanging in the balance. Why? Because there are so few trusted channels of communication between North and South.

When Senator MURKOWSKI and I visited Asia last month, the agreed framework between the United States and North Korea was the focus of our discussions in both Pyongyang and Seoul. The agreement, while not perfect, offers an important opportunity to end North Korea's nuclear program. It also—and this is extremely important as well—can open new channels of communication between North and South, and thereby reduce tensions in northwest Asia.

The sense of the Senate resolution that I am proud to submit today with my colleague Senator MURKOWSKI expands the channels of communication envisaged in the agreed framework. The resolution calls for the executive branch to establish timetables for a range of tension-reducing measures between North and South Korea. Dismantlement of North Korea's nuclear reprocessing facility would be a major step, but only one step, in that area. Other important measures connecting North and South would be: liaison offices; a joint military commission with a particular focus on information exchange and threat reduction; expanded trade relations; freedom of travel between the Koreas; scientific, cultural, educational and sports exchanges; postal and telecommunications services between North and South; and reconstruction of road and rail links between the two countries. The President should appoint a senior official to work on all those steps with North and South Korea.

All the measures I just listed add up to communication. Opening North Korea to outside influences will not be easy, will not happen overnight, and will not bring overnight results. It is an effort, though, that we should make, because the payoff in reduced tensions on the Korean peninsula could be very great indeed. This resolution

aims to support the nuclear accord, and build on it in constructive, positive ways.●

SENATE RESOLUTION 72—RELATIVE TO JAPAN

Mr. BINGAMAN (for himself, Mr. DASCHLE, Mr. DOLE, Mr. ROCKEFELLER, Mr. PELL, and Mr. ROBB) submitted the following resolution; which was considered and agreed to:

S. RES. 72

Whereas, on the morning of January 17, 1995 a devastating and deadly earthquake shook the cities of Kobe and Osaka, Japan killing more than 5,000 people, injuring more than 25,000 and leaving more than 300,000 temporarily homeless:

Whereas, the earthquake of January 17, 1995 has left more than 46,440 buildings in ruin, destroyed highways, train lines and other infrastructure and has caused losses of as much as $80 billion in Kobe alone:

Whereas, the tradition of strength, courage, determination and community of the people of Japan has been displayed time again by the citizens of Kobe and Osaka and, indeed, all of Japan since the earthquake and has served as an inspiration to all of the world:

Whereas, the nations and people of the United States and Japan share a strong, decades old history of friendship and mutual interests and respect:

Whereas, the people of the United States, having suffered a similar tragedy almost a year ago to the day of the Kobe and Osaka earthquake, share in the pain and hope of the people of Japan.

Therefore be it resolved by the Senate that—

(1) The Senate expresses its deepest sympathies to the Nation of Japan and the citizens of Kobe and Osaka for the tragic losses suffered as a result of the earthquake of January 17, 1995.

(2) The Senate expresses its support to the people of Japan as they continue their noble efforts to rebuild their cities and their lives.

(3) The Senate expresses its friendship to the people of Kobe and Osaka and pledges its support for their efforts in the face of this disaster.

Mr. BINGAMAN. Mr. President, I rise today to submit Senate Resolution 72 expressing the Senate's deepest sympathies to the people of Kobe and Osaka, Japan.

Mr. President, by now we are all aware of the frightening devastation that was caused by the earthquake that struck Kobe and Osaka in the early morning of January 17, 1995. We have seen the terrible destruction of homes and businesses, we have heard the enormous numbers of dead and wounded and we have read the remarkable stories of courage and hope that have sprung daily from the rubble and ruins of Kobe and Osaka.

Mr. President, the memories of the earthquake that struck California almost a year ago to the day of the Kobe and Osaka earthquake have not diminished in the short period of time that has elapsed. We remember all too well the feelings of disbelief and loss as we learned of the destruction that the California earthquake reeked on our own citizens. As it was a year ago, so it has been throughout the past week as we watched the events unfold in Kobe and Osaka.

Mr. President, we do not need a disaster to remind us of our friendship and mutual commitment with the people of Japan; however, at a time of tragedy such as this, we do have an opportunity to again reaffirm that friendship and to say to the people of Japan that America does care.

Mr. President, I hope that my colleagues will join with me today in supporting Senate Resolution 72 and will join with all of America in expressing our deepest sympathies and pledging our support and friendship to the people of Japan.

SENATE RESOLUTION 73—ORIGINAL RESOLUTION REPORTED AUTHORIZING BIENNIAL EXPENDITURES BY COMMITTEES OF THE SENATE

Mr. STEVENS, from the Committee on Rules and Administration, reported the following original resolution, which was placed on the calendar:

S. RES. 73

AGGREGATE AUTHORIZATION

SEC. 2. (a) In carrying out its powers, duties, and functions under the Standing Rules of the Senate, and under the appropriate authorizing resolutions of the Senate, there is authorized for the period March 1, 1995, through September 30, 1996, in the aggregate of $49,394,804 and for the period March 1, 1996, through February 28, 1997, in the aggregate of $50,521,131 in accordance with the provisions of this resolution, for all Standing Committees of the Senate, for the Committee on Indian Affairs, the Special Committee on Aging, and the Select Committee on Intelligence.

(b) Each committee referred to in subsection (a) 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.

(c) Any expenses of a 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 of the committee who are paid at an annual rate, (2) for the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, Department of Telecommunications, (3) for the payment of stationery supplies purchased through the Keeper of Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (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.

(d) There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committees from March 1, 1995, through September 30, 1996, and March 1, 1996, through February 28, 1997, to be paid from the appropriations account for "Expenses of Inquires and Investigations" of the Senate.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

SEC. 3. (a) 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 Agriculture, Nutrition, and Forestry is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,708,179, of which amount (1) not to exceed $4,000, 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 $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,746,459, of which amount (1) not to exceed $4,000, 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 $4,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON APPROPRIATIONS

SEC. 4.(a) 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 paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on Appropriations is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,823,586, of which amount (1) not to exceed $175,000, 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 such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,931,401 of which amount (1) not to exceed $175,000, 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 such Act).

COMMITTEE ON ARMED SERVICES

SEC. 5.(a) 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 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 Armed Services is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,641,704. For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,702,669.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

SEC. 6.(a) 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, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,778,802, of which amount (1) not to exceed $150,000, 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 $850, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section 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 such Act).

COMMITTEE ON THE BUDGET

SEC. 7. (a) 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 paragraph 1 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section 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 such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section 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 such Act).

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

SEC. 8. (a) 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 Commerce, Science, and Transportation is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $3,369,312, of which amount (1) not to exceed $14,572, 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 $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,445,845, of which amount (1) not to exceed $14,572, 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 $15,600, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON ENERGY AND NATURAL RESOURCES

SEC. 9. (a) 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 Energy and Natural Resources is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,579,566.

(c) For the period of March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,636,292.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

SEC. 10. (a) 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 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,376,346, 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 such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,430,379, of which amount (1) not to exceed $8,000, 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 expanded for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FINANCE

SEC. 11. (a) 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 Finance is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,960,173, of which amount (1) not to exceed $30,000, 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 $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $3,026,449, of which amount (1) not to exceed $30,000, 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 $10,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON FOREIGN RELATIONS

SEC. 12. (a) 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 Foreign Relations is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,647,720, of which amount (1) not to exceed $45,000, 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 $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,708,841, of which amount not to exceed $45,000, 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 $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON GOVERNMENTAL AFFAIRS

SEC. 13. (a) 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 Governmental Affairs is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,429,312, of which amount (1) not to exceed $75,000, 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 $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,530,725, of which amount (1) not to exceed $75,000, 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 $2,470, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

(d)(1) The committee, or any duly authorized subcommittee thereof, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activities which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with

particular references to the operations and management of Federal regulatory policies and programs: Provided, That, in carrying out the duties herein set forth, the inquiries of this committee or any subcommittee thereof shall not be deemed limited to the records, functions, and operations of any particular branch of the Government; but may extend to the records and activities of any persons, corporation, or other entity.

(2) Nothing contained in this section shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946, as amended.

(3) For the purposes of this section, the committee, or any duly authorized subcommittee thereof, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 1995, through February 28, 1997, is authorized, in its, his, or their discretion (A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents, (B) to hold hearings, (C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate, (D) to administer oaths, and (E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 71 of the One Hundred Third Congress, second session, are authorized to continue.

COMMITTEE ON THE JUDICIARY

SEC. 14. (a) 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 Judiciary is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,260,450, of which amount (1) not to exceed $40,000, 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 $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act.)

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,359,828, of which amount (1) not to exceed $40,000, 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 $1,000, may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of such Act).

COMMITTEE ON LABOR AND HUMAN RESOURCES

SEC. 15. (a) 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 Labor and Human Resources is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $4,018,406, of which amount not to exceed $22,500, 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).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $4,111,256, of which amount not to exceed $22,500, 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).

COMMITTEE ON RULES AND ADMINISTRATION

SEC. 16. (a) 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 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section 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 such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section 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 such Act).

COMMITTEE ON SMALL BUSINESS

SEC. 17. (a) 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 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,059,861, 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 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 such Act).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,083,793, 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 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 such Act).

COMMITTEE ON VETERANS' AFFAIRS

SEC. 18. (a) 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 Veterans' Affairs is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,097,451, of which amount not to exceed $3,000, 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, as amended).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,122,714,

of which amount not to exceed $3,000 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, as amended).

SPECIAL COMMITTEE ON AGING

SEC. 19. (a) In carrying out the duties and functions imposed by section 104 of S. Res. 4, agreed to February 4, 1977, (95th Congress), and in exercising the authority conferred on it by such section, the Special Committee on Aging is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,108,255.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,132,974.

SELECT COMMITTEE ON INTELLIGENCE

SEC. 20. (a) In carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Congress), in accordance with its jurisdiction under section 3(a) of such resolution, including holding hearings, reporting such hearings, and making investigations as authorized by section 5 of such resolution, the Select Committee on Intelligence is authorized from March 1, 1995, through February 29, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $2,064,860, of which amount not to exceed $30,000, 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).

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $2,133,120, of which amount 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).

COMMITTEE ON INDIAN AFFAIRS

SEC. 21. (a) In carrying out the duties and functions imposed by section 105 of S. Res. 4, agreed to February 4, 1977 (95th Congress), and in exercising the authority conferred on it by such section, the Committee on Indian Affairs is authorized from March 1, 1995, 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.

(b) The expenses of the committee for the period March 1, 1995, through September 30, 1996, under this section shall not exceed $1,119,088.

(c) For the period March 1, 1996, through February 28, 1997, expenses of the committee under this section shall not exceed $1,143,036.

SPECIAL RESERVES

SEC. 22. (a) Of the funds authorized for the Senate committees listed in sections 3 through 21 by Senate Resolution 71, agreed to February 25, 1993, as amended (103rd Congress), for the funding period ending on the last day of February 1995, any unexpended balances remaining shall be transferred to a special reserve which shall, on the basis of a special need and at the request of a Chairman and Ranking Member of any such committee, and with the approval of the Chairman and Ranking Member of the Committee on Rules and Administration, be available to any committee for the purposes provided in subsection (b). During March 1995, obligations incurred but not paid through February 28, 1995, shall be paid from the unexpended balances before transfer to the special reserves and any obligations so paid shall be deducted from the unexpended balances transferred to the special reserves.

(b) The reserves established in subsections (a) shall be available for the period commencing March 1, 1995, and ending with the close of September 30, 1995, for the purpose of (1) meeting any unpaid obligations incurred during the funding period ending on the last day of February 1995, and which were not deducted from the unexpended balances under subsection (a), and (2) meeting expenses incurred after such last day and prior to the close of September 30, 1995.

SEC. 23. (a) It is the sense of the Senate that space assigned to the respective committees of the Senate covered by this resolution shall be reduced commensurate with the reductions in authorized staff funded herein. The Committee on Rules and Administration is expected to recover such space for the purpose of equalizing Senators offices to the extent possible, taking into consideration the population of the respective states according to the existing procedures and to consolidate the space for Senate committees in order to reduce the cost of support equipment, office furniture, and office accessories.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, January 25, 1995, beginning at 9:30 a.m., in room 215 of the Dirksen Senate Office Building, to conduct a hearing on the economic outlook for the Nation.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 2 p.m. to hold a hearing on the North Korea Nuclear Agreement.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, January 25, at 9:30 a.m. on the subject of Reinventing Government I: Welfare Reform.

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

COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, January 25, 1995, at 9:30 a.m., to markup a resolution for Senate Committee Funding for 1995 and 1996.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, January 25, 1995 at 2 p.m. to hold a closed hearing on intelligence matters.

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

COMMITTEE ON CONSTITUTION, FEDERALISM, AND PROPERTY RIGHTS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on the Constitution, Federalism, and Property Rights of the Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Wednesday January 25, 1995, at 10 a.m., in Senate Dirksen room 226, on congressional term limits.

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

ADDITIONAL STATEMENTS

THE ELKAY MANUFACTURING CO.'S 75TH ANNIVERSARY

• Mr. SIMON. Mr. President, I would like to recognize the Elkay Manufacturing Co. which is celebrating its 75th year in business today. Elkay has enjoyed steady growth and solid achievements throughout its existence, including many industry innovations.

Over the past 75 years, Elkay Manufacturing has grown from a small father-and-son manufacturer of handmade German silver sinks to the world leader in the sales of stainless steel sinks and water coolers. As a result of this continued success, employment at Elkay Manufacturing has grown from 3 employees in 1920 to 2,300 employees today.

Elkay Manufacturing has consistently been able to recognize positive opportunities and respond to them. This strong awareness of both industry and customer needs is what has enabled Elkay to become a leader in the industry.

I am proud to recognize the achievements of Elkay Manufacturing and its commitment to high standards, quality, and continuing innovation in the

products it manufactures in Illinois and across the Nation.●

TRIBUTE TO ROBERT H. GRASMERE

● Mr. LAUTENBERG. Mr. President, I rise today to honor Robert H. Grasmere, former mayor of Maplewood Township in New Jersey.

Robert Grasmere has served the Maplewood community for 34 years. He was first elected to the township committee in 1960 and was subsequently reelected for 11 more 3 year terms. His contributions, however, do not end there. Mr. Grasmere also served Maplewood Township as mayor for 23 years from 1970 until 1993.

His leadership and hard work earned him recognition from the citizens of Maplewood and the State of New Jersey. The New Jersey State League of Municipalities awarded Mayor Grasmere the Presidential Citation for Extraordinary Service in 1988 and in 1991, he was the recipient of Elected Official Award from the American Public Works Association for his outstanding public works.

Mr. Grasmere's dedication to the Maplewood community led him to be a founding member of the Durand-Hedden House and Garden Association, an organization who's many causes concluded the restoration of a prerevolutionary property in Maplewood. It has since been designated as Grasmere Park in honor of this outstanding person.

Robert H. Grasmere is an exceptional citizen who has dedicated his life to the people of Maplewood and the State of New Jersey. I congratulate him on his numerous past successes and what I am sure will be many more successes yet to come.●

CHILDREN AND TELEVISION

● Mr. SIMON. Mr. President, I would like to insert a statement by Keith Geiger in the CONGRESSIONAL RECORD.

The statement follows:

[From the National Education Association]

CHILDREN, TV, AND THE PUBLIC GOOD

(By Keith Geiger)

Do you believe that "Super Mario Brothers," the cartoon based on the popular video game, teaches children self-confidence? Would you call television broadcasts of "G.I. Joe," "The Flintstones," and "The Jetsons" educational programming?

Welcome to the world of children's television—where these and other equally astounding assertions are made regularly by TV stations applying to the Federal Communications Commission for license renewal. Even more remarkable,the FCC agrees that these programs serve "the educational and informational needs of children" as required by the Children's Television Act.

Here we are, a nation deeply concerned about the lack of values, the level of violence, and the academic achievement of our children and youth. But flip through the channels and Saturday morning or weekday afternoon. You'll find program after program glorifying space-age shoot-em-ups, ninja warriors, brutality and mayhem. Many of the shows are nothing more than promotional vehicles for toys.

With a very few—immediately obvious—exceptions, television aimed at children is the domain of toy manufacturers. In the words of Shari Lewis of Lamb Chop fame, "Our kids are very much for sale to the highest bidder."

This isn't a new phenomenon. It's the reason the Children's Television Act was passed four years ago. The problem is, this act hasn't changed children's programming. It was written very broadly, and the FCC rules governing its implementation are weak. There's no definition of what constitutes educational programming—or of how much of it a station must provide.

So "G.I. Joe" and "Super Mario Brothers" become "educational." And millions of U.S. children watch "Mighty Morphin Power Rangers," which has been taken off the air in Canada and New Zealand because of excessive violence.

When asked recently to define quality children's television, Shari Lewis replied: "You must role model for kids the kind of behavior you want. If the intention is to do a program that seduces children to watch through explosions, chases, crashes, verbal and physical hostility, and aggression, I don't care if you tack on a pro-social message at the end of the show."

That is exactly what has happened under the Children's Television Act. Broadcasters have produced some so-called educational programs. But what many of these programs do, in the words of a Christian Science Monitor editorial, is to "hide a smidgen of educational nutrition inside a candy bar of frenetic entertainment." And the truth remains that children learn far more from all the action and freneticism than they do from the moralistic words.

The FCC is currently deciding if it should strengthen the regulations that implement the Children's Television Act. The National Education Association is one of more than a dozen education and children's advocacy organizations urging the Commission to put real teeth into its rules. We want the FCC to define educational programs and to require that stations schedule at least one hour of such programming for children each day. These programs should be of standard length (not announcements or shorts) and be shown between 7 a.m. and 10 p.m. (nearly half of educational programs now air between midnight and 6:30 a.m.).

Given the fact that 70 million children in our country watch an average of four hours of television a day. I'd like to issue a challenge. Let every station agree that from 8 a.m. to 10 a.m. on Saturdays, all its children's shows will be truly educational. That should take care of any competitive worries. And it would give our children two options: watch an educational show or turn off the TV. Whichever they choose, America wins.

Television wields immense influence over children. It defines the games they play, the clothes they wear, the way they view their world. It's time we confront the power of this medium and insist that those who profit from it also have a social responsibility to use it to contribute to the public good.●

THE BETHEL NEW LIFE ORGANIZATION

● Mr. SIMON. Mr. President, I would like to recognize the achievements of the Bethel New Life Organization of Chicago, IL. Bethel New Life has been chosen as one of the 24 winners of this year's Renew America for Environmental Sustainability Award.

Bethel New Life is dedicated to reversing the trend toward urban decay and has focused its efforts in Chicago's west side neighborhoods. Building on established community resources, Bethel has developed several job-creation programs. Bethel also concentrates on the needs of Chicago's elderly by sustaining a home-based elder care program that will create 325 new jobs in the area.

Additionally, Bethel is working with Argonne National Laboratory to develop a local recycling and manufacturing center with a materials processing plant already in operation. Community involvement is crucial to the success of Bethel's program, and this is accomplished through Bethel's support of neighborhood block clubs where local high school students improve math and science skills by learning to monitor the local air quality.

I commend the Bethel New Life Organization for its dedication and commitment to job creation and enrichment in Chicago's urban areas. It is my hope that Bethel will serve as a model for other community organizations working to better their neighborhoods.●

AMENDMENT OF TITLE 2, UNITED STATES CODE, SECTION 61H–6

The text of the bill (S. 273) to amend title 2, United States Code, section 61h–6, as passed by the Senate on January 24, 1995, is as follows:

S. 273

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 61h–6 of title 2; The Congress, Chapter 4—Officers and Employees of Senate and House of Representatives; United States Code, is amended to read as follows:

"§ 61h–6. Appointment of consultants by Majority Leader, Minority Leader, Secretary of the Senate, and Legislative Counsel of the Senate; compensation

"(a) The Majority Leader and the Minority Leader, are each authorized to appoint and fix the compensation of not more than four individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Secretary of the Senate is authorized to appoint and fix the compensation of not more than two individual consultants, on a temporary or intermittent basis, at a daily rate of compensation not in excess of the per diem equivalent of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate. The Legislative Counsel of the Senate (subject to the approval of the President Pro Tempore) is authorized to appoint and fix the compensation of not more than two consultants, on a temporary or intermittent basis, at a daily rate of compensation

not in excess of that specified in the first sentence of this section. The provisions of section 8344 of title 5 shall not apply to any individual serving in a position under this authority. Expenditures under this authority shall be paid from the contingent fund of the Senate upon vouchers approved by the President Pro Tempore, Majority Leader, Minority Leader, Secretary of the Senate, or Legislative Counsel of the Senate, as the case may be.

"(b) The Majority Leader, and the Minority Leader, in appointing individuals to consultant positions under authority of this section, may appoint one such individual to such position at an annual rate of compensation rather than at a daily rate of compensation, but such annual rate shall not be in excess of the highest gross rate of annual compensation which may be paid to employees of a standing committee of the Senate.".

ORDERS FOR TOMORROW

Mr. LOTT. Mr. President, I understand that the distinguished Democratic leader may be here momentarily to participate in the closing.

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 Thursday, January 26, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, and the time for the two leaders be reserved for their use later in the day; that the Senate then immediately resume consideration of S. 1 and pending will be the Boxer amendment No. 201. I further ask unanimous consent that immediately following the conclusion of the Boxer amendment, the Senate proceed to vote on the motion to table the Lautenberg amendment No. 199.

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

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that following the conclusion of the minority leader's statement, the Senate stand in recess under the previous order.

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

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

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

THE STATE OF THE UNION ADDRESS

Mr. DASCHLE. Mr. President, last night the President spoke to the Congress and to the Nation. He set out an agenda for action. He told us where he wants to take the country and how he will accomplish his goals.

While the audience in the House chamber looked somewhat different from last year's audience, the President's message remained the same: We must help working families who are squeezed between rising prices and stagnant incomes.

The President spoke for all Democrats when he said we believe in opportunity for every American willing to work hard enough to earn it.

We believe in political reform that puts regular people ahead of lobbyists and special interests.

We believe in recasting Government to make it leaner and more responsive to society's contemporary needs.

And we believe that middle-class families are the backbone of this Nation and that Government actions should reflect their values and beliefs.

That agenda responds directly to the Nation's needs, and many of his goals have bipartisan support:

Providing tax cuts for middle-class families that are paid for with real spending cuts; implementing health insurance reforms to protect people against the arbitrary denial of health benefits for which they have paid premiums; replacing welfare as we know it with work as most of us know it; securing our border against illegal entrants; reducing the size of Government, and shifting resources and decision making from bureaucrats to citizens.

On other goals the chance for bipartisan support is unclear, but I am hopeful we can achieve it:

Addressing fundamental national needs like immunization against childhood disease, school lunches, Head Start, medical care and nutrition for pregnant women and infants, and meeting Government's responsibilities to its people by promoting educational opportunity and protecting veterans, Social Security, and Medicare.

We know that there will be partisan fights ahead. Some will reflect principled differences of belief. Some will probably reflect maneuvering for short-term political advantage.

Americans are used to that. It is inevitable in a competitive political system such as ours.

What was more compelling about the President's speech, however, was his reminder to all of us, private citizens and members of Congress alike, that, in many cases, none of us has to wait for the Government or anyone else to tell us how to do the right thing.

He is talking about citizenship. And that is a tenet and responsibility to which all of us subscribe, but sometimes forget.

Members of Congress must adopt true congressional reforms that address the undue influence of lobbyists and special interests. And, as the President said, that reform must include campaign finance reform.

The President asked businesses whose sales are up and whose profits are healthy to share their good fortune with their workers; to keep American plants open in America; to give workers a bonus when the company does well. Every employer in this country knows what the President was talking about.

We who have been blessed beyond others in our Nation know that we didn't achieve our successes alone. Each and every one of us can remember the helping hand, the encouragement, the push when we needed it—from a parent, a teacher, a colleague, a fellow American.

The President spoke to our greatest national tradition as a people, the tradition of giving back. I think he spoke wisely and well, to Americans in private life as well as to government officials.

The President's address was important. But what we do over the next 2 years in the critical issue. Democrats and Republicans need to work together, and Democrats are ready to do that.

It is my hope that Republicans will join the President and us in the effort to address the real world concerns of the middle class and bring genuine reform to Washington.

On behalf of my colleagues, I congratulate the President on his State of the Union Address. We look forward to the challenging agenda he has set out for all of us this year.

Mr. President, I ask unanimous consent that the full text of the President's address be printed in the RECORD.

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

PRESIDENT WILLIAM JEFFERSON CLINTON'S STATE OF THE UNION ADDRESS, JANUARY 24, 1995

Mr. President. Mr. Speaker, Members of the 104th Congress. My fellow Americans:

Again we are here in the sanctuary of democracy, and once again our democracy has spoken. To all of you in the 104th Congress, to you, Mr. Speaker: Congratulations.

If we agree on nothing else, we must agree that the American people voted for change in 1992 and 1994. We didn't hear America singing—we heard America shouting. Now, we must say: We hear you. We will work together to earn your trust.

For we are the keepers of a sacred trust, and we must be faithful to it in this new era. Over two hundred years ago, our Founders changed the course of history by joining together to create a new country based on a powerful idea: We hold these truths to be self-evident, that all men are created equal; that they are endowed by their creator with certain inalienable rights; that among these are Life, Liberty and the Pursuit of Happiness.

It has fallen to every generation since to preserve that idea—the American idea—and to expand its meaning in new and different times. To Lincoln and his Congress: To preserve the Union and end slavery. To Theodore Roosevelt and Woodrow Wilson: To restrain the abuses and excesses of the Industrial Revolution, and to assert America's

leadership in the world. To Franklin Roosevelt; To fight the failure of the Great Depression and our century's great struggle against fascism. To all our Presidents since: To fight the Cold War. Especially to two, who struggled in partnership with Congresses of the opposite party. To Harry Truman, who summoned us to unparralled prosperity at home and constructed the architecture of the Cold War world. And to Ronald Reagan, who exhorted us to carry on until the twilight struggle against Communism was won.

In another time of change and challenge, I became the first President to be elected in the post-Cold War era, an era marked by the global economy, the information revolution, unparalleled change and opportunity and insecurity for ordinary Americans. I came to this hallowed chamber two years ago on a mission: To restore the American Dream for all our people and to ensure that we move into the 21st Century still the world's strongest force for freedom and democracy.

I was determined to tackle tough problems, too long ignored. In these efforts I have made my mistakes and learned again the importance of humility in all human endeavor. But I am proud to say that, tonight, our country is stronger than it was two years ago.

Record numbers of Americans are succeeding in the new global economy. We are at peace and a force for peace and freedom throughout the world. We have almost six million new jobs since I became President. We have the lowest combined rate of unemployment and inflation in over 25 years. We have expanded trade, put more police on our streets, given our citizens more tools to get an education and rebuild their communities. But the rising tide is not lifting all boats.

While our nation is enjoying peace and prosperity, too many of our people are still working harder and harder for less and less. While our businesses are restructuring and growing more competitive, too many of our people can't be sure of even having a job next year or even next month. And far more than our material riches are threatened: Things far more precious—our children, our families, our values.

Our civil life is suffering. Citizens are working together less, shooting at each other more. The common bonds of community which have been the great strength of this country from its beginning are badly frayed.

What are we to do about it? More than 60 years ago, at the dawn of another new era, Franklin Roosevelt told the nation: "New conditions impose new requirements on government and those who conduct government" From that simple proposition, he shaped the New Deal, which helped restore our nation to prosperity and defined the relationship between Americans and their government for half a century.

That approach worked in its time. But we today, we face a new time and different conditions. We are moving from an Industrial Age built on gears and sweat, to an Information Age that will demand more skills and learning. Our government, once a champion of national purpose, is now seen as a captive of narrow interests, putting more burdens on our citizens, instead of equipping them to get ahead. The values that used to hold us together are coming apart.

So, tonight, we must forge a new social compact, to meet the challenges of our time. As we enter a new era, we need a new set of understandings, not just with our government but more important, with one another.

That is what I want to talk to you about tonight. I call it a New Covenant, but it is grounded in a very old idea: That all Americans have not just a right, but a responsibility to rise as far as their God-given talents and determination can take them, and to give something back to their communities and their country in return.

Opportunity and responsibility go hand-in-hand. We can't have one without the other. And our national community can't hold together without both.

Our New Covenant is a new set of understandings for how we can equip our people to meet the challenges of the new economy, how we can change the way our government works to fit a different time and, above all, how we can repair the damaged bonds in our society and come together behind our common purpose. We must have dramatic change in our economy, in our government and in ourselves.

Let us rise to the occasion. Let us put aside partisanship, pettiness, and pride. As we embark on a new course, let us put our country first, remembering that regardless of our party labels, we are all Americans. Let the final test of any action we take be a simple one: is it good for the American people?

We cannot ask Americans to be better citizens if we are not better servants. We've made a start this week by enacting a law applying to Congress the laws you apply to the private sector. But we have a lot more to do.

Three times as many lobbyists roam the streets and corridors of Washington as did 20 years ago. The American people look at their nation's capital, and they see a city where the well-connected and the well-protected milk the system, and the interests of ordinary citizens are too often left out.

As this new Congress opened its doors, lobbyists were still at work. Free travel, expensive gifts . . . business as usual. Twice this month, you have voted not to stop these gifts. Well, there doesn't have to be a law for everything. Tonight, I challenge you to just stop taking them—now, without waiting for legislation to pass. Then, send me the strongest possible lobby reform bill, and I'll sign it.

Require the lobbyists to tell the people who they work for, what they're spending and what they want. And let's curb the role of big money in our elections, by capping the cost of campaigns and limiting the influence of PACs, and opening the people's airwaves to be an instrument of democracy, by giving free TV time to candidates.

When Congress killed political reform last year, the lobbyists actually stood in the halls of this sacred building and cheered. This year, let's give the folks at home something to cheer about.

More important, let's change the government—let's make it smaller, less costly and smarter—leaner, not meaner.

The New Covenant is an approach to governing that is different from the old bureaucratic way as the computer is from the manual typewriter. The old way protected the organized interests. The New Covenant looks out for the interests of ordinary people, the old way divided us by interests, constituency or class. The New Covenant unites us behind a common vision of what's best for our country.

The old way dispensed services through large, hierarchical, inflexible bureaucracies. The New Covenant shifts resources and decision-making from bureaucrats to citizens, injecting choice, competition and individual responsibility into national policy.

The old way seemed to reward failure. The New Covenant has built-in incentives to reward success. The old way was centralized in Washington. The New Covenant must take hold in communities across the country.

Our job here is to expand opportunity, not bureaucracy: To empower people to make the most of their own lives; to enhance our security at home and abroad.

We must go beyond the sterile debate between the illusion that there is a program for every problem and the illusion that government is the source of all our problems. Our job is to get rid of yesterday's government so our people can meet today's and tomorrow's needs.

For years before I became President, others had been saying they would cut government, but not much happened. We did it. We cut over a quarter of a trillion dollars in spending, more than 300 domestic programs, more than 100,000 positions from the federal bureaucracy in the last two years alone. Based on decisions we have already made, we will have cut a total of more than a quarter million positions, making the federal government the smallest it has been since John Kennedy was President.

Under the leadership of Vice President Gore, our initiatives have already saved taxpayers $63 billion. The age of the $500 hammer is gone. Deadwood programs like mohair subsidies are gone. We have streamlined the Agriculture Department by more than 1,200 offices. Slashed the Small business loan form from an inch-thick to a single page and thrown away the government's 10,000 page personnel manual. FEMA—the federal disaster agency—has gone from being a disaster to helping people. Government workers—hand-in-hand with private business—rebuilt southern California's fractured freeways in record time and under budget. And because the federal government moved fast, all but one of the 650 schools damaged in the earthquake are back in business educating our children.

University administrators tell me that they are saving weeks of time on college loan applications because of our new college loan program that cut costs to the taxpayers, cuts costs to students, and gives people a better way to pay back their college loans, and cut out bureaucracy.

Previous government reform reports gathered dust. We are getting results. And we're not through. There is going to be a second round of reinventing government. We propose to cut $130 billion in spending by shrinking departments, extending our freeze on domestic spending, cutting 60 public housing programs down to three. Getting rid of over 100 programs we don't need—like the Interstate Commerce Commission and the helium reserve program.

These programs have outlived their usefulness. We have to cut yesterday's government to help solve tomorrow's problems.

And we need to get government closer to the people it's meant to serve. Where states and communities, private citizens and the private sector can do a better job, we should get out of the way. We're taking power away from federal bureaucracies and giving it back to communities and individuals. And it's time for Congress to stop passing on to the states the cost of the decisions we make here in Washington.

For years, Congress has concealed in the budget scores of pet spending projects—and last year was no different: A million dollars to study stress in plants, $12 million for a tick-removal program that didn't even work. Give me the line item veto and I'll save the taxpayers money.

But when we cut, let's remember that government still has important responsibilities: Our young people hold our future in their hands; we owe a debt to our veterans who were willing to risk their lives for us; the elderly have made us what we are. My budget cuts a lot, but it protects education, veterans, Social Security, and Medicare and so should you.

And when we give more flexibility to the states, let's remember certain fundamental national needs that should be addressed in every state. Immunization against childhood disease; school lunches; Head Start; medical care and nutrition for pregnant women and infants—they're in the national interest.

I applaud your desire to get rid of costly, unnecessary regulations. But when we deregulate, let's remember what national action in the national interest has given us: Safer food for our families; safer toys for our kids; safer nursing homes for you parents. Safer cars and highways. And safer workplaces. Clean water and clean air.

Do we need more common sense and fairness in our regulations? You bet we do. But we can have common sense and still provide for safe drinking water. We can have fairness and still clean up toxic waste dumps. And we ought to do it.

Should we cut the deficit more? Of course, we should. We must bring down spending in a way that protects the economic recovery and does not punish the middle class or seniors

I know many of you in this chamber support the balanced budget amendment. We all want to balance the budget. Our administration has done more to bring the budget closer to balance than any one in a long time. But if you're going to pass this amendment, you have to be straight with the American people. They have a right to know what you are going to cut and how it would affect them. And you should tell them before you change the Constitution.

In the New Covenant there are problems we have the responsibility to face.

Nothing has done more to undermine our sense of responsibility than our failed welfare system. It rewards welfare over work. It undermines family values. It lets millions of parents get away without paying child support.

That is why I have worked so long to reform welfare. We have made a good start. In the last two years, my administration has given more states the chance to find their own ways to reform welfare than the past two administration combined. Last year, I introduced the most sweeping welfare reform plan ever presented by an administration.

We have to make welfare what it was meant to be: a second chance, not a way of life. We'll help those on welfare move to work as quickly as possible, provide child care and teach skills if they need them for up to two years. But after that, the rule will be simple: Anyone who can work must go to work.

If a parent isn't paying child support, we'll make them pay. We'll suspend their driver's licenses, track them across state lines and make them work off what they owe. Governments don't raise children. Parents do.

I want to work with you to pass welfare reform. But our goal must be to liberate people and lift them up—from dependence to independence, welfare to work, mere childbearing to responsible parenting—not punish them because they happen to be poor. We should require work and mutual responsibility, but we shouldn't cut people off because they are poor, young, unmarried. We should promote responsibility by requiring young mothers to live at home with their parents or in other supervised settings and finish school, not by putting them and their children out on the street. We shouldn't punish poor children for the mistakes of their parents.

Let this be the year we end welfare as we know it. But let this also be the year we stop using this issue to divide America. No one is more eager to end welfare than the people that are trapped on it. Let's promote education, work, good parenting. Let's punish bad behavior and the refusal to be a student, a worker, a responsible parent. Let's not punish poverty and past mistakes. All of us have made mistakes. None of us can change our yesterday's, but all of us can change tomorrow's. Just ask Lynn Woolsey, who worked her way off welfare and is now a congresswoman from California.

I know it has become fashionable to embrace Franklin D. Roosevelt. So let's remember exactly what he said: "Human kindness has never weakened the stamina or softened the fiber of a free people. A nation does not have to be cruel in order to be tough."

I know members of this Congress are concerned about crime. But I would remind you that last year we passed a very tough crime bill—longer sentences, three strikes and you're out, more prevention, more prisons, and 100,000 more police. And we paid for it all by reducing the size of the federal bureaucracy and giving money back to local communities to lower the crime rate. There may be other things we can do to be tougher on crime and to help lower the crime rate, and let's do them. But let's not take back the good things we've already done. That's what local community leaders think. And that's what the police who put their lives on the line every day think.

Secondly, the last Congress passed the Brady Bill and the ban on nineteen assault weapons. I think everybody in this room knows that several members of the last Congress who voted for the assault weapons ban and the Brady Bill lost their seats because of it. Neither the bill supporters nor I believe anything should be done to infringe upon the legitimate right of our citizens to bear arms for hunting and sporting purposes. Those people laid down their seats in Congress to try to keep more police and children from laying down their lives in our streets under a hail of assault weapons' bullets. And I will not see that ban repealed.

We shouldn't cut government programs that help to prepare us for the new economy, promote responsibility, and are organized from the grass roots up, not by federal bureaucracies. The best example of that is the national service program—Americorps—which today has 20,000 Americans, more than ever served in one year in the Peace Corps, working all over America, helping people—person to person—in local volunteer groups, solving problems and earning some money for their education. This is citizenship at its best. It's good for the Americorps members and good for the rest of us. It's the essence of the New Covenant. And we shouldn't stop it.

All Americans are rightly disturbed by the large numbers of illegal immigrants entering this country. The jobs they hold might otherwise be held by our citizens or legal immigrants, and the public services they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal aliens who try to take American jobs, and by barring welfare benefits to illegal aliens.

In the budget I will present to you, we will do more to try to speed the deportation of illegal aliens who are arrested for crimes, and to better identify illegal aliens in the workplace, as recommended by the commission headed by former Congresswoman Barbara Jordan.

This is a nation of immigrants. But it is also a nation of law. And it is wrong, and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years.

The most important job of government is to empower people to succeed in the new global economy. America has always been the land of opportunity, a land where if you work hard you can get ahead. We are a middle class country. Middle class values sustain us. We must expand the middle class and shrink the underclass, while supporting the millions who are already successful in the new economy.

America is once again the world's strongest economy. Almost six million jobs in two years. Exports booming. Inflation down. High wage jobs coming back. A record number of American entrepreneurs living the American dream. If we want to stay that way, those who work and lift our nation must have more of its benefits.

Today too many of those people are being left out. They are working harder for less security, less income, less certainty they can even afford a vacation, much less college for their children or retirement for themselves. We cannot let this continue.

If we don't act, our economy will probably do what it's done since 1978: Provide high income growth to those at the top, give very little to everyone in the middle, and leave the people at the bottom to fall even farther behind, no matter how hard they work.

We must have a government that can be a partner in making this new economy work for all Americans—a government that helps each and every one of us get an education and have the opportunity to renew our skills.

That's why we worked so hard to increase educational opportunity from Head Start, to public schools, to apprenticeships, to job training, to make college loans available and more affordable for 20 million people. That's the first thing we have to do.

The second thing we can do to raise incomes is to lower taxes. In 1993, we took the first step with a working family tax cut for 15 million families with incomes of under $27,000 and a tax cut to most small and new businesses. Before we could do more than that, we first had to bring down the deficit we inherited. And we had to get economic growth up. We have done both.

Now we *can* cut taxes in a more comprehensive way. Tax cuts must promote and reinforce our first obligation, empowering citizens with education and training to make the most of their lives. The tax relief spotlight must shine on those who make the right choices for their families and communities.

I have proposed the Middle Class Bill of Rights—which should be called a Bill of Rights and Responsibilities, because its provisions only benefit those who are working to educate and raise their children or to improve their own lives. It will, therefore, give needed tax relief and raise incomes in the short and long runs in a way that benefits all of us.

There are four provisions: First, a tax deduction for all education and training after

high school. Education is even more important now than ever to the economic well-being of America, and we should do everything we can to encourage it. If businesses can get a deduction for investing in factories, why shouldn't families for investment in their future?

Second, a $500 tax credit for all children under thirteen in middle class households.

Third, an individual retirement account with penalty-free withdrawal rights for the cost of education, health care, first-time home buying, and care of a parent.

And fourth, a G.I. Bill for American workers. We propose to collapse nearly 70 federal programs and offer vouchers directly to eligible American workers. If you are laid off, or make a low wage, you will get a voucher worth $2,600 a year for up to two years to go to your local community college or get private or public job training to raise your job skills.

Anyone can call for a tax cut, but I will not accept one that explodes the deficit and puts our economic recovery at risk. We must pay for any tax cuts, fully and honestly. Two years ago, it was an open question whether we would find the strength to cut the deficit. Thanks to the courage of many people here, and many who did not return to take their seats in this House, we began to do what others said they would do for years.

We Democrats cut the deficit by over $600 billion—that's nearly $10,000 for every family of four in this country. The deficit is coming down three years in a row for the first time since President Truman was in office.

In the budget I will send you, the Middle Class Bill of Rights is fully paid for by budget cuts, cuts in bureaucracy, cuts in programs, cuts in special interest subsidies. And the spending cuts will more than double tax cuts. My budget pays for the Middle Class Bill of Rights without any cuts in Medicare. And I will oppose any attempt to pay for tax cuts with Medicare cuts.

I know a lot of you have your own ideas about tax relief. I want to work with you. My test for any proposal is: Will it create jobs and raise incomes? Will it strengthen families and support children? Will it build the middle class and shrink the underclass? Is it paid for? If it does, I will support it. If it doesn't, I will oppose it.

That's why I will ask you to support raising the minimum wage. It rewards work. Two and a half million Americans, often women with children, work for $4.25 an hour. In terms of real buying power, by next year, that minimum wage will be at a 40 year low.

I have studied the arguments and evidence for and against a minimum wage increase. The weight of evidence is that a modest increase does not cost jobs, and may even lure people into the job market. But the plain fact is you can't make a living on $4.25 an hour, especially if you have kids to support.

In the past, the minimum wage has been a bipartisan issue. It should be again. I challenge you to get together and find a way to make the minimum wage a living wage.

Members of Congress have been on the job less than a month. But by the end of the week, 28 days into the new year, each Congressman has already earned as much in Congressional salary as people who work under minimum wage make in an entire year.

And everyone in this chamber has something else that too many Americans go without; health care. Last year, we almost came to blows over health care, but nothing was done. But the hard, cold fact is that, since we started this debate, we know that more than 1.1 million Americans in working families have lost their coverage. The hard, cold fact is that millions more, mostly workers who are farmers, self-employed, and in small businesses, have seen their coverage erode with higher premium costs, higher deductibles, and higher co-payments.

I still believe we must move out nation towards providing health security for every American family. Last year, we bit off more than we could chew. This year, let's work together, step by step, and get something done.

Let's at least pass meaningful insurance reform so that no American risks losing coverage or facing skyrocketing prices when they change jobs, or lose a job, or a family member falls ill. I want to work together with the Democratic leadership and Republications like Bob Dole, who have a longtime commitment to health reform.

Let's make sure that self-employed people and small businesses can buy insurance at more affordable rates through voluntary purchasing pools. Let's help families provide long-term care for a sick parent or a disabled child. Let's help workers who lose their jobs keep health insurance coverage for a year while they look for work. And let's find a way to make sure our children have health care. Let's work together. This is too important for politics as usual.

Much of what is on the American people's mind is devoted to internal security concerns—the security of our jobs and incomes, our children, our streets, our health, our borders. Now that the Cold War is past, it is tempting to believe that all security issues, with the possible exception of trade, reside within our borders. That is not so.

Our security depends upon our continued world leadership for peace, freedom, and democracy. We cannot be strong at home without being strong abroad.

The financial crisis in Mexico is a powerful case in point. We have to act—for the sake of millions of Americans whose livelihoods are tied to Mexico's well-being. If we want to secure American jobs, preserve American exports and safeguard America's borders, we must pass our stabilization program and help put Mexico back on track. And let me repeat—this is not a loan, this is not foreign aid, this is not a bail-out. We'll be giving a guarantee, like co-signing a note with good collateral that will cover our risk. This legislation is right for America, and together with the bipartisan leadership, I call on Congress to pass it quickly.

Tonight, not a single Russian missile is aimed at our homes or our children. And we, with them, are on the way to destroying missiles and bombers that carry 9000 nuclear warheads.

We've come so far so fast in the post-Cold War world that it is easy to take the decline of the nuclear threat of granted. But it is still there, and we are not finished yet.

This year, I am asking the Senate to approve START II—and eliminate weapons that carry 5000 more warheads. The United States will lead the charge to extend indefinitely the Nuclear Non-Proliferation Treaty, to enact a comprehensive nuclear test ban, and to eliminate chemical weapons. To stop, and roll back, North Korea's potentially deadly nuclear program, we will continue to implement the agreement we have reached with that nation. It's a smart, tough deal based on continuing inspection, with safeguards for our allies and ourselves.

This year I will submit to Congress comprehensive legislation to strengthen our hand in combating terrorists, whether they strike at home or abroad. As the cowards who bombed the World Trade Center can testify, the United States will hunt down terrorists and bring them to justice.

Just this week, another horrendous terrorist act in Israel killed 19 and injured scores more. On behalf of the American people I extend our deepest sympathy to the families of the victims. I know that in the face of such evil, it is hard to go forward. But the terrorists are the past, not the future. We must—and we will—persist in our pursuit of a comprehensive peace between Israel and all her neighbors in the Middle East. Accordingly, last night I signed an Executive Order that will block the assets in the United States of terrorist organizations that threaten to disrupt the Middle East peace process and prohibits financial transactions with these groups. Tonight, I call on our allies, and peace-loving nations around the world, to join us with renewed fervor in the global effort to combat terrorism.

From my first day in office I have pledged that our nation would maintain the best equipped, best trained and best prepared fighting force on Earth. We have—and they are. They have managed the dramatic downsizing of our forces since the Cold War with remarkable skill and spirit. To make sure our military is ready for action—and to provide the pay and quality of life that the military and their families deserve—I am asking this Congress to add $25 billion more in defense spending over the next six years. Tonight I repeat that request. We ask much of our armed forces. They are called to service in many ways—and we must give them and their families what the times demand and they deserve.

Time after time, in the last year, our troops showed America at its best; helping to save hundreds of thousands of lives in Rwanda. Moving with lightning speed to head off another Iraqi threat to Kuwait. And giving freedom and democracy back to the people of Haiti.

The United States has proudly supported peace, prosperity, freedom and democracy, from South Africa to Northern Ireland, from Central and Eastern Europe to Asia, from Latin America to the Middle East. All these endeavors make America's future more confident and more secure.

This, then, my fellow Americans, is our agenda—expanding opportunity, not bureaucracy, enhancing security at home and abroad empowering people to make the most of their own lives.

It is ambitious and achievable, but it is not enough. We need more than new ideas changing the world, or equipping all Americans to compete in the new economy. More than a government that is smaller, smarter and wiser. More than all the changes we can make from the outside in. Our fortunes and our posterity also depend upon our ability to answer questions from within, from the values and the voices that speak to our hearts, voices that tell us we must accept responsibility for ourselves, for our families, for our communities and, yes, for our fellow citizens.

We see our families and our communities coming apart. Our common ground is shifting out from under us. The PTA, the town hall meeting, the ball park—it's hard for many overworked Americans to find the time and space for the things that strengthen the bonds of trust and cooperation among citizens. And too many of our children don't have the parents and grandparents who can give them the experiences they need to build character and strengthen identity.

We all know that while we here in this chamber can make a difference, the real differences in America must be made by our fellow citizens where they work and where they live. More than ever before, as we move to the twenty-first century, everyone matters and we don't have a person to waste.

That means the new covenant is for everybody. For our corporate and business leaders: We are working to bring down the deficit and expand markets and to support your success in every way. But you have an obligation when you are doing well to keep jobs in our communities and give American workers a fair share of the prosperity they generate.

For those in the entertainment industry: We applaud your creativity and your worldwide success, and we support your freedom of expression. But you have a responsibility to assess the impact of your work and to understand the damage that comes from the incessant, repetitive and mindless violence, and irresponsible conduct that permeates our media. Not because we will make you, but because you should.

For our community leaders: We've got to stop the epidemic of teen pregnancies and births where there is no marriage. I have sent Congress a plan to target schools all over the country with anti-pregnancy programs that work. But government can only do so much. Tonight, I am calling on parents and leaders across the country to join together in a National Campaign Against Teen Pregnancy—to make a difference.

For our religious leaders: You can ignite your congregations to carry their faith into action, reaching out to all our children, to those in distress, to those who have been savaged by the breakdown of all we hold dear. Because so much of what has to be done must come from the inside out. You can make all the difference.

Responsibility is for all our citizens. It takes a lot of people to help all the kids in trouble to stay off the streets and in school, to build the Habitat for Humanity houses, to provide the people power for all the civic organizations that make our communities grow. It takes every parent to teach their children the difference between right and wrong, and to encourage them to learn and grow, to say no to the wrong things in life and to believe they can become whatever they want to be.

I know it is hard when you are working harder for less money and you are under great stress to do these things. I also know it's hard to do the work of citizenship when for years, politicians in both parties have treated you like consumers and spectators, promising you something for nothing and playing on your fears and frustrations. And more and more of the information you get comes in very negative ways, not conducive to real conversation. But the truth is, we have got to stop seeing each other as enemies, even when we have different views. If you go back to the very beginning of this country, the great strength of America has always been our ability to associate with people who were different from ourselves and to work together to find common ground. And in the present day, everybody has a responsibility to do more of that.

That is the first law of democracy, the oldest lesson of most of our faiths: That we are stronger together than alone. That we all gain when we give.That is why we must make citizenship matter again. Here are five shining examples of citizenship:

Cindy Perry teaches second graders to read in AmeriCorps, in rural Kentucky. She gains when she gives: She is a mother of four, and she says that her service "inspired" her to get her high-school equivalency last year. Now, like thousands of other members, she will use her scholarship from AmeriCorps to go to college to equip herself to compete and win in the new economy.

With so many forces pulling us apart, we cannot stop a force like AmeriCorps that's pulling us together.

Chief Stephen Bishop gains when he gives: He has worked with AmeriCorps to build community policing in Kansas City—and has seen crime go down because of it. He stood up for our Crime Bill and the Assault Weapons ban, and knows that the people he serves and the people he leads are all safer because of it.

Corporal Gregory Depestre gains when he gives: He went to Haiti as part of his adopted country's force to help secure democracy. And he saw the people of his native land—Haiti—are restoring democracy for themselves.

And Jack Lucas gained when he gave. Fifty crowded years ago, in the sands of Iwo Jima, he taught and he learned the lessons of citizenship. February 20, 1945 was no ordinary day for a small-town boy. As he and his three buddies moved along a slope, they encountered the enemy—and two grenades at their feet. Jack Lucas threw himself on them both, and, in that moment, saved the lives of his companions. And what did he gain? In the next instant, a medic saved his life. He gained a foothold for freedom. And he gained this: Jack Lucas—at 17 years old, just a year older than his grandson is today—became the youngest Marine in our history, the youngest man in this century, to be awarded the Congressional Medal of Honor.

All these years later, here's what he says about that day: "It didn't matter where you were from, who you were. You relied on one another. You did it for your country."

We all gain when we give. We reap whatever we sow. That's at the heart of the New Covenant: Responsibility. Citizenship. Opportunity. They are more than stale chapter headings in some remote civics book. They are the virtues by which we can fulfill ourselves and our God-given potential—the virtues by which we can live out, the eternal promise of America, the enduring dream of that first and most sacred covenant: That we hold these truths to be self-evident, that all men are created equal. That they are endowed by their Creator with certain inalienable rights. And that among these are Life, Liberty and the Pursuit of Happiness.

This is a very great country. And our best days are yet to come. God bless you, and God bless the United States of America.

RECESS UNTIL THURSDAY, JANUARY 26, 1995, AT 9 A.M.

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m. Thursday, January 26, 1995.

Thereupon, the Senate, at 9:04 p.m., recessed until Thursday, January 26, 1995, at 9 a.m.