

local officials who have been forced to balance the needs of their community against compliance with Federal regulations.

These local officials have raised valid concerns over the pressure to implement mandates imposed by Washington with no funds to back it up. I believe we need to work as a partner with our cities, towns, and counties—not as their adversary.

I support the validity of their concerns. I am on their side.

We need to have a better understanding about the costs of Federal mandates—on the public sector and private sector—and help our local partners meet those costs.

I am glad the Senate has finally begun the debate on this important issue. I believe the Unfunded Mandate Reform Act takes an important step toward correcting many of the problems of the past.

This legislation will make Congress estimate the costs of new legislation and regulations on State and local governments and the private sector, specify the means to pay for it, and reduce or eliminate a mandate if adequate funding is not provided.

This bill applies only to new legislation. It does not effect any existing law or program. Furthermore, this legislation exempts any law or regulation that enforces constitutional rights, establishes or enforces laws that prohibit discrimination, provides emergency assistance to State and local governments, pertains to national security or treaty ratification and any bill designated as an emergency by the President and Congress.

While I wholeheartedly support these exemptions, as well as the overall intent of this legislation, I have a number of questions regarding its impact and applicability.

I am very concerned about this bill's impact on laws that are designed to protect public health and safety. Will this bill diminish the Government's ability to protect public health and provide essential public safety?

I am concerned about how this bill defines public and private and how it impacts future laws and programs. Could a mandate exempt the public sector while applying to the private sector? Could public schools be exempt from a mandate while Catholic or other religious day schools would be forced to comply?

Would future emissions standards apply to UPS trucks but not MTA buses?

I am concerned about how Federal agencies will have to implement the complex provisions of this legislation. For example, will Federal agencies be forced to rewrite regulations every year if funding levels change?

I am concerned about confusion this bill may generate to State and local governments and the private sector.

I believe we need laws and regulations that are clear, enforceable, and universally applicable. I support the in-

tent of this legislation and many of its provisions; at the same time I remain concerned over the issues I have outlined. I believe these questions need to be answered before the Senate adopts any unfunded mandates legislation.

REGARDING RELATIONSHIP BETWEEN UNFUNDED MANDATES AND SOUND RISK REGULATION

Mr. JOHNSTON. Mr. President, I want to point out to my colleagues the connection between S. 1, the unfunded mandates bill, and a matter that is close to my heart—the risk assessment and cost-benefit provision that passed the Senate twice on the last Congress, only to die in the House. As my colleagues may recall, it passed by a vote of 95 to 3 on the EPA Cabinet bill in 1993, and then, after significant revision, passed again on the safe drinking water bill in 1994 by a vote of 90 to 8.

One of the best ways to reduce unfunded mandates—whether it be on State and local governments or the private sector—is to set aside the issue of funding and examine whether the mandate itself is sound. Federal regulations that do not address a significant risk in a cost-effective manner must be avoided, regardless of who pays. Put another way, the argument over who should pay for a mandate will be much easier to resolve if the mandate itself is as lean as possible to do the job.

Section 202 of S. 1 begins to get at this idea when it requires the Federal agency, when promulgating a regulation that will cost \$100 million or more, to prepare a written statement providing "a qualitative, and if possible, a quantitative assessment of costs and benefits anticipated from the Federal intergovernmental mandate, such as the enhancement of health and safety and the protection of the natural environment * * *." This is a certainly a good provision as far as it goes.

But this problem will not be fully addressed until the Senate turns once again to the subject of risk-based regulatory reform. I was initially inclined to offer last year's risk amendment to this bill, but I have been convinced to withhold so that we can consider possible improvements to last year's risk provision.

Right now, Chairman MURKOWSKI and I are working on legislation that will build on last year's provision. We intend to introduce the bill soon, hold hearings in the Energy Committee soon thereafter, and move to consideration of the bill on the Senate floor at the earliest opportunity.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Zaroff, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United

States submitting a nomination which were referred to the Committee on Governmental Affairs.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, without amendment:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Labor and Human Resources.

By Mr. SIMPSON, from the Committee on Veterans Affairs, without amendment:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

By Mr. SPECTER, from the Select Committee on Intelligence.

Special Report entitled "Committee Activities of the Select Committee on Intelligence for the period January 4, 1993 through December 1, 1994" (Rept. No. 104-4).

EMROLLED BILL PRESENTED

The Secretary of the Senate reported that on January 18, 1995, she had presented to the President of the United States, the following enrolled bill:

S. 2. An act to make certain laws applicable to the legislative branch of the Federal Government.

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-131. A communication from the Chairman of the Federal Maritime Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-132. A communication from the Chairman of the National Endowment for the Humanities, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-133. A communication from the Administrator of the National Aeronautics and Space Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-134. A communication from the Administrator of the General Services Administration, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-135. A communication from the Director of the Arms Control and Disarmament Agency, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-136. A communication from the President of the Inter-American Foundation, transmitting, pursuant to law, the report on the internal controls and financial systems

in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-137. A communication from the Executive Director of the State Justice Institute, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-138. A communication from the Director of the Woodrow Wilson Center, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-139. A communication from the Executive Director of the Office of Navajo and Hopi Indian Relocation, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

EC-140. A communication from the Chief of Staff of the Office of the Nuclear Waste Negotiator, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1994; to the Committee on Governmental Affairs.

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. MCCAIN:

S. 233. A bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. CAMPBELL (for himself, Mr. GRASSLEY, and Mr. KOHL):

S. 234. A bill to amend title 23, United States Code, to exempt a State from certain penalties for failing to meet requirements relating to motorcycle helmet laws if the State has in effect a motorcycle safety program, and to delay the effective date of certain penalties for States that fail to meet certain requirements for motorcycle safety laws, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. HUTCHISON:

S. 235. A bill to amend the Clean Air Act to prohibit the Federal government from requiring State plans to mandate trip reduction measures; to the Committee on Environment and Public Works.

S. 236. A bill to amend the Clean Air Act to repeal the mandatory requirement for State motor vehicle inspection and maintenance programs for ozone nonattainment areas; to the Committee on Environment and Public Works.

By Mr. HOLLINGS:

S. 237. A bill to amend the Internal Revenue Code of 1986 to impose a value added tax and to use the receipts from the tax to reduce the Federal budget deficit and Federal debt and to finance health care reform; to the Committee on Finance.

S. 238. A bill to create a legislative line item veto by requiring separate enrollment of items in appropriations bills; to the Committee on Rules and Administration.

By Mr. SHELBY (for himself, Mr. NICKLES, Mr. BURNS, Mrs. HUTCHISON, Mr. LOTT, Mr. PACKWOOD, Mr. PRESSLER, Mr. INHOFE, Mr. THOMAS, and Mr. BROWN):

S. 239. A bill to require certain Federal agencies to protect the right of private property owners, and for other purposes; to the Committee on Governmental Affairs.

By Mr. DOMENICI (for himself, Mr. DODD, Mr. HATCH, Ms. MIKULSKI, Mr. BENNETT, Ms. MOSELEY-BRAUN, Mr.

LOTT, Mrs. MURRAY, Mr. MACK, Mr. JOHNSTON, Mr. FAIRCLOTH, Mr. CONRAD, Mr. BURNS, Mr. CHAFEE, Mr. GORTON, Mr. HELMS, Mr. KYL, Mr. THOMAS, Mrs. HUTCHISON, Mr. SANTORUM, and Mr. PELL):

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; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. D'AMATO:

S. 241. A bill to increase the penalties for sexual exploitation of children, and for other purposes; to the Committee on the Judiciary.

By Mr. DASCHLE (for himself, Mr. BREAU, Mr. KENNEDY, Mr. REID, Mr. ROCKEFELLER, Ms. MIKULSKI, Mr. FORD, Mr. DODD, and Mr. KERRY):

S. 242. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for the payment of tuition for higher education and interest on student loans; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. BYRD, Mr. ROCKEFELLER, and Ms. MIKULSKI):

S.J. Res. 20. A joint resolution granting the consent of Congress to the compact to provide for joint natural resource management and enforcement of laws and regulations pertaining to natural resources and boating at the Jennings Randolph Lake Project lying in Garrett County, Maryland and Mineral County, West Virginia, entered into between the States of West Virginia and Maryland; 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 Mrs. KASSEBAUM:

S. Res. 62. An original resolution authorizing expenditures by the Committee on Labor and Human Resources; from the Committee on Labor and Human Resources; to the Committee on Rules and Administration.

By Mr. DORGAN (for himself, Mr. DODD, and Mr. HARKIN):

S. Res. 63. A resolution to express the sense of the Senate regarding calculation of the Consumer Price Index; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SIMPSON:

S. Res. 64. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans Affairs; to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MCCAIN:

S. 233. A bill to provide for the termination of reporting requirements of certain executive reports submitted to the Congress, and for other purposes; to the Committee on Governmental Affairs.

THE REPORTING REQUIREMENTS SUNSET ACT

Mr. MCCAIN. Mr. President, I introduce legislation that would terminate the statutory requirement for all congressionally mandated reports, except for those required under the Inspector Generals Act and the Chief Financial

Officers Act, 5 years after its enactment. The Reporting Requirements Sunset Act of 1995 is almost identical to legislation (S. 1971) that I introduced in the last Congress. This bill would also require the President to identify which reports he feels are unnecessary or wasteful in his next budget submission to Congress, a measure which will hopefully spur the Congress to swiftly dispose of those specific reports.

This proposal is intended to address the growing problem of the thousands of reports the Congress is burdening the executive branch with each year. Each year, Members of Congress add layer upon layer of onerous paperwork requirements upon executive branch agencies by mandating various reports. This problem has a very real and substantive cost to taxpayers in terms of wasting hundreds of millions of dollars, in addition to taking up untold number of work-hours by Federal employees, and draining vast amounts of other agency resources that could be far better utilized in more worthy endeavors.

The Vice President's National Performance Review determined that in 1993 alone the Congress mandated that the Office of the President and executive branch agencies to prepare over 5,300 reports. This is a problem that is reaching truly epic proportions of unnecessary and wasteful papershuffling.

I have based this legislation upon the official list of congressionally mandated reports which is published each Congress by the Clerk of the House of Representatives. It is the most comprehensive compilation available. Let me give just a few examples of the type of reports I am talking about. Each year, the following are required to be sent to the Congress from Federal agencies: a report on activities involving electric and hybrid vehicle research; a report on the United States-Japan Cooperative Medical Science Program; another on the number of customs service undercover operations commenced, pending, and closed; and finally, a report on the transportation, sale, and handling of animals for research and pets.

Is the continued research, preparation, and production of these types of reports—and thousands more, all at taxpayers' expense—really necessary? I think the answer is likely no, Mr. President, and I am confident most people determined to reduce the size and cost of Government will agree.

This problem of foisting massive reporting requirements on Federal agencies is extremely expensive. The Department of Agriculture alone spent over \$40 million in taxpayers money in 1993 to produce the 280 reports it was required to submit to the Congress. That is astounding, Mr. President—\$40 million in taxpayer dollars spent by a single department on reports mandated by the Congress. At a time when our country is struggling to alleviate the burdens of the middle class and also address the urgent needs of our citizenry,