

Yesterday, in the Chamber, I outlined that in only three cities in Oklahoma the unfunded mandates exceeded \$35 million, and this is over a period of time. It is just incredible that you could have this. It is not just in Broken Arrow and Tulsa, OK, and in San Francisco. It is throughout America. So it is something that everyone now wants to do something about. The liberals are for it. The conservatives are for it. Organizations like the U.S. Conference of Mayors are for it; the Municipal League is for it; the NFIB is for it. All organizations out there are for this. And yet it has been stalled and stalled and stalled and stalled. It is a bill, a resolution that could very well have been deliberated for 2 days and passed as everybody wants it.

The reason I do not believe it was passed is because there is a deliberate effort to stall the vote on this until after the State of the Union Message that will take place next Tuesday night. And when that happens, I predict in the Chamber of this Senate right now that the President will stand up, even though he may not like the idea of passing an unfunded mandates bill, which I personally do not think he really wants but he heard that the American people did want it on November 8, and he is going to say, "And I am going to ask this Congress, I am going to ask this Senate to go back into session and pass the unfunded mandates bill." And we will. And it is a bill that we should have passed a week before.

Is this gridlock? Yes, it is gridlock. I think it is intentional gridlock. One time someone put the pencil to how much it costs us to keep this body in. I wish I could recall those figures right now, but it is very, very expensive. So there was a tremendous cost to the American people. There is a lot of inconvenience to a lot of people. There were late nights. There was a dialog. We talked on this floor about every conceivable subject that you could talk about and finally got around to making a few comments about unfunded mandates.

So I am saying, yes, it is going to happen, but it is not going to happen until after the State of the Union Message. I think that is a very sad thing.

Do you know where I got the idea of gridlock and where I am coming up with this? It came from someone who talks to a lot of people. It is my barber. A lot of times we have this beltway mentality here where we talk to bureaucrats and we talk to think tank people and we talk to each other and we forget that there is a real world out there with real people who are sick and tired of what is going on up here. I think we will all have learned a lesson as a result of this.

So, Mr. President, in conclusion, I say I hope the American people have been watching for the last couple of days, because what they saw is something we are going to bring to an end. I think I speak in behalf of certainly all 11 of the freshmen Members of this

organization when I make this statement.

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

#### UNFUNDED MANDATES

Mr. FORD. Mr. President, I admire my new-made friend from Oklahoma. I, too, was Governor. I came to Washington about the so-called unfunded mandates. It was a little easier to take care of then than it is now because we had 12 years of Republicans who ran us from \$900 million to over \$4 trillion in debt in 12 years. It is a little tough for us now to carry that load.

Mr. INHOFE. Will the Senator yield?

Mr. FORD. Not now. I did not disturb the Senator when he was speaking.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. FORD. Then we hear something about gridlock. If the Senator had been here 2 years ago, you would have been part of gridlock—and I say "the Senator" rather than "you"; I want to be careful of my language for the RECORD—because the Republican side would not let us go with pieces of legislation we thought were important. Now they have become part of the Contract With America. The same pieces of legislation, basically, that were filibustered in the last session of Congress are now in the Contract With America. Surprising, is it not? Surprising.

We stand here in the last few days, last couple of weeks, and act like the world has stopped.

We forgot aging in the bill that came out of committee. It would have gone on and we would have excluded aging in the amendment. And the manager of the bill from the Republican side, the majority side, was a cosponsor of that amendment when he found out about it. So we have made some contribution.

We had an amendment last night that was defeated, but utilities—and your State ought to be very interested in utilities—wanted that very badly, because the mandates to private enterprise stick and they do not stick on public entities under this legislation. So it is the business-oriented group here, I guess you would say, who have said to business: We are going to stick it to you. Because the mayors and commissioners out there are raising Cain, we are going to let them off the hook.

So we have incinerators: Private and public. The public does not have to take the mandate but private will, regardless of what it costs.

Landfills: Public and private. The private will have to get stuck with all that.

Schools—think about schools, the mandate on schools. Private will have to be stuck with it; public will not.

Hospitals; in my hometown we have two fine hospitals. Those fine hospitals want to come together—one is public and one is private—and come with an HMO, to merge and try to give better service at lower rates in my commu-

nity. We better be careful because the private hospital might have to carry out some mandates that the public hospital will not have to.

Why jam this thing through when all those problems are there that should be worked out? We wake up: Oh, I did not know it was in the bill. I will guarantee not a Senator here, with few exceptions, can tell you everything that is in the bill. You get up here and talk about, oh, we are just gridlocked. It may be gridlock, but a couple of things—real, I think—have happened. One, the utilities woke up and business woke up about what is getting ready to happen to them, for one. That is one. Then we found we left out the elderly; we exempted everybody but the elderly. AARP, I am sure, did not know it. But last night it was 99 to zip when you found it, and that was because we said let us look at the bill. And Senator LEVIN, from Michigan, was the individual who found it, brought the amendment up, and the Republican floor leader became a cosponsor of that amendment. That was helpful.

You can stand here all you want to and say we have to get it through because the American people want it. But when small business and major businesses are being hurt, they are not able to be competitive with public—we have local incinerators and private; we have landfills, public and private; we have hospitals, public and private—and you are putting a heavier burden on business and taking it off of their competitor, which is government, I think you ought to take a step back and see what you are doing on this.

We on this side have given you an opportunity to do that. If you want to continue to make the mistake, continue to make the mistake of putting horrendous burdens on business and not on the public entities, then go ahead. When this Senator, 8 years ago, introduced unfunded mandates legislation—the threshold was \$50 million then and it has not changed—I got two Senators, two Senators who would be cosponsors.

How times have changed. You said back, I guess in 1967 or 1968, you were here. Where were you when I needed you 8 years ago? Where was all this euphoria for unfunded mandates legislation? I introduced it a year later—nothing happened. So I dropped it. Maybe I should have carried it on. I would have been a part of the Contract With America. But I was there 8 years ago. I was there 7 years ago. The threshold is the same. Now you want to change some from \$50 to \$100 million. Things are beginning to change. And there are now some changes being made in the bill, I think for the better.

You can fuss at me all you want to. You just give me the devil. Devil take the hindmost, you know? But I am doing what I think is right, and two changes have made this bill better.

It does not go into effect until 1996. Why is the urge here to get something

done when mistakes are being made in the bill?

And one other thing, one other thing. Many of you, the new Members, are from the House. Over in the House you could be paid for your travel and be a frequent flier and you take those frequent flier miles and use them personally. That is all right on the House side. We have never done it on the Senate side. I am a chairman of the Rules Committee. I said no, and that is agreeable.

So I had a little amendment here, if you recall, about a week or 10 days ago that said the House could not use taxpayers' money for personal use. They get out here on the floor and every Republican voted against me and said let the House take care of it. If they want to have it for personal use, let them do it.

What is wrong is wrong and what is right is right. If you listened to Sam Donaldson the other night, and the House let the bill go through without making the changes and they are still getting the perk—you are going to get that amendment again. Because 50 million people watched, as they said the House did not take care of that personal perk. So think about it just a little bit.

In this bill you are changing the rules of the House. You are changing the rules of the House in this bill. And I am going to ask you to stop it because you would not—Let them have the perk. So why should you mandate changes in the rules of the House in this bill? All the former House Members, how mad would you get when the Senate did that when you were in the House? You got pretty mad, got pretty upset. You did not want it done. That was the reasoning.

But now in this bill it is all right. It is in your bill that you want to get through immediately, and you are changing the rules of the House. Try a look at page 26, (d), lines 1 through 5. Just take that little section of this bill and see what it does to the House. What is fair for the goose is fair for the gander. And you are going to have that amendment. You are going to say no, we just want to let them have perks. But in this bill, this is the difference. We are going to find out the attitude, and see how you go are going to vote because we are going to get that amendment. And it is coming pretty quickly. Maybe we can get it early Tuesday. But some changes ought to be made in the bill, and they will be offered. We will have a chance. The Senate will have a chance to be for or against this piece of legislation.

Mr. President, I do not know about my time. I do not know whether I can reserve it. But some will not use time, and I will be able to get more time later on.

But let us be reasonable about this. Talk about having comity. We get up and say how bad we are. I can go back and give speeches maybe of months ago almost identical on this side that the

other side made. They are almost identical. So as times change, the more they stay the same.

Mr. President, I yield the floor.

Mr. SANTORUM addressed the Chair. The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania.

Mr. SANTORUM. Thank you, Mr. President.

Mr. President, I come here to join my colleague from Oklahoma in his comments concerning what is happening in the Senate. I have a statement, but I want to yield to him for a few moments to respond to the Senator from Kentucky.

Mr. INHOFE. I thank the Senator from Pennsylvania.

Mr. FORD. Mr. President, I might say that under the rules of the Senate, he can get, by asking unanimous consent, all the time he wants. The Senator does not have to yield to him.

Mr. INHOFE. I say to the Senator from Kentucky that we know the rules. But I would like to make one short response, if I may.

First of all, Mr. President, I have a great deal of respect for this institution, and I have studied the background and the history of how we got into a bicameral system. I think there is a very useful purpose for that. I served 8 years in the House of Representatives, and things run through there quickly. The train has slowed down here. But there is a difference between slowing down the train and stopping the train.

When a statement is made about why the urgency since it does not take effect until 1996, the urgency is that we have many other things in a contract, a so-called Contract With America, things that Americans believe they were voting for on November 8. We want an opportunity to present those. We cannot do that if we get bogged down day after day for hours and do not get much done with a bill.

I will make one other statement that I think is very significant. Certainly, I have the utmost respect for the Senator from Kentucky. It is true that when the Republicans were the minority here in this body, that there was filibustering going on. I think even though it may not have technically been a filibuster, what we have been experiencing in the last 6 days certainly is very close to that. The difference is this: The difference is when they were filibustering last year in this body, they were filibustering a bill; for example, the Government takeover of the health care system. That was something that 80 percent of the people did not want.

What we are talking about now is unfunded mandates, which is something that by survey 80 percent of the American people do want, and I draw a major distinction between the two.

I thank the Senator from Pennsylvania for yielding.

Mr. SANTORUM. Mr. President, what I want to do is first respond to

the Senator from Kentucky and a couple of points that he made, and then talk in general about the problem I think we are confronting here in this debate on unfunded mandates.

I would agree with the Senator from Kentucky that amendments have been offered to improve the bill. I would agree that the amendments he referred to have in fact improved the bill, and have in fact gotten bipartisan support, and the legislative process in that respect is working.

I also remind the Senator from Kentucky that we are in the first step of the process. We are considering the bill here for the first time. The House is yet to bring it up. They are going to be considering amendments under an open rule which will allow improvement to this bill. We will then in all likelihood pass different versions of this bill. It will then go to conference where different ideas that have been percolated through the legislative process get resolved, and hopefully even a better product will come out with the best ideas of the House and Senate.

I do not think anyone would say that any bill that passes the House or the Senate is perfect. There are always things that are going to come up that could have been improved. We would like to see debate. I would like to see debate on germane amendments that deal with the issue of unfunded mandates. I would like to see improvements to the bill. I would like to hear the concerns of both Republicans and Democrats as to what we can do to make this bill a better and more efficient process for reducing the amount of unfunded mandates that we pass on to the State and local governments.

But that is not what is going on here. What is going on here are amendments that have absolutely nothing to do with unfunded mandates, like frequent flier amendments, abortion clinic amendments, and going on and on, that have nothing to do with the substance of the bill that are in these riders.

I remember when I was running for office, people would come up to me and say, "When you get to the Senate, you get rid of those riders, all of those things that they just throw on these bills that have nothing to do with the bill, that really clog up the legislative process and get all these things thrown in there that we do not like."

What we are seeing here is a classic example of what the American public does not like, which is a bill that has broad public support that is moving through the process, that is continually being derailed on education issues, on abortion issues, and unfortunately we are not getting back to the subject at hand, which is unfunded mandates, and moving that process through which has overwhelming public support.

We are happy to deal with germane amendments and improvements to the bill. That is what we have been striving to do—limit the debate with cloture petitions that the majority leader has

sent to the desk. Let us have a full and open debate on unfunded mandates. Let us deal with the amendments that are germane to the bill that could improve the quality of legislation. That is what we are attempting to do with the cloture petition. Let us just deal with the things that are germane, that are improvements to the bill, and let us put all this other stuff—which may be important—let us put it aside and we can bring it up another day.

As many Senators from both sides of the aisle said, we are in early January. We have a lot of time in this session to deal with a variety of issues.

But this is a bill that has the support that has been worked on for at least 8 years, and has had bipartisan support for a long period of time.

I just got off a conference call 2 days ago with mayors all across my State. We did a conference call talking to them. The comments that I got were just overwhelming. I have been getting calls from my county commissioners from both sides of the aisle saying, "Please move this bill forward. We need this help. We need this assurance that you are not going to continue to push more and more costs on local government and State government without providing the needed funds to pay for these programs."

So we have the consensus. I agree the details need to be worked out. The Senator from Kentucky is absolutely right. We have improved the bill. There will hopefully be other amendments on which we can make improvements, at least that we can discuss, to this bill. But let us do that. Let us focus in on that.

I came from the House of Representatives. I have been reminded many, many times that the House and the Senate are different bodies, and they are. I appreciate the difference. I understand the Senate is a more deliberative body. That is a wonderful thing.

I look back at last year, and look at the bills that were stopped here in the Senate that were rammed through the House because of the rules of the House, that were rammed through the House, that came here to the Senate and were slowed down and in many cases changed, and in some cases stopped completely. It was a benefit.

The Senator from Oklahoma referred to the health care bill. He is absolutely right. That process was slowed down dramatically here in the Senate, and I think to the benefit of the American public in the long run.

So the Senate does have an important role to play. But when we have pieces of legislation that have broad support, in fact have broad bipartisan support in this body—we have 60-some cosponsors on this bill—we have, hopefully, more that will actually vote for the bill. When you have that kind of support, when you have the support here, the support in the public, and you have—with this last election—a clear mandate to move, then I think it is the obligation of the people who support this measure, on both sides of the aisle,

to stand up and say that it is time to move forward.

So I hope that Republicans and Democrats can join together and push this package forward and limit the debate to amendments that are germane to improving the quality of this bill, so we can produce the best product here in the Senate, so we can come up with the best piece of legislation that the best minds in the country here in the U.S. Senate can work on and craft and send to the House. And maybe if they recognize the great handiwork that we have done here, they will just accept what we have done.

They did that with the congressional accountability bill—another bill that was slowed down for a week with spurious amendments on a whole variety of different topics that had nothing to do with congressional accountability. We did such fine work on the germane amendments, such good handiwork here in the Senate on the underlying bill, that we kept it, in a sense, clean from all these other amendments. And when it came to the House, the House said: You folks did a pretty good job; we will just pass your bill. In fact, it is now on the President's desk.

That is the kind of action the folks in Pennsylvania want. I think that is the kind of action folks all over the United States of America want from this body. They want us to get down to business. They want us to focus in, one by one, on the issues that are important to America. The Senator from Kentucky is absolutely right. The frequent flier issue is an important issue. It is a perk that the House should not have. When I was in the House, I did not accept my frequent flier miles. I did not use them for personal use. It was my office policy. The Senator from Kentucky is right that that privilege is available and it should not be. It should not be. I hope that we can work together and make that happen. I hope the House acts quickly to do that. But I would not be averse to putting some pressure on the House to do that.

Let us focus on what we all now agree should be passed, what needs to be passed to restore to this institution the faith of the American public that we are a body that listens, that we are a body that can act, and that we are a body that understands our obligation to serve the American public. I hope that is what we can do when we return for votes Monday and Tuesday—that we can focus the attention back on the bill, that we can improve the quality of the bill, that we can move the bill forward quickly, that we can get to the other pieces of legislation that are waiting in line behind unfunded mandates, like the balanced budget amendment, that are important pieces of legislation which, again, the public wants us to take up and move in a timely fashion.

I do not want to stop debate on any amendment that improves the quality of this bill, not one. Offer them, debate them. It is needed. The Senator from West Virginia is absolutely right that

there are things in this bill that concern a lot of Members and a lot of people in this country, and they should be debated. That is what we want to do with this cloture motion. If we get an agreement to limit the number of amendments and the time in which they can be offered, that is what we want to do.

That is what this side of the aisle is trying to do. We are trying to move the bill forward, trying to be accommodating. We are trying to keep our promise with the American public to move this institution, to get bills passed, to get it done in a prompt fashion, and to deliver on the November election.

I think we can do that, and I hope that with the support of Members on both sides of the aisle, we will be able to accomplish that.

Mr. FORD addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky [Mr. FORD] is recognized.

Mr. FORD. Mr. President, may I inquire of the Chair, what would be the procedure now since we are limited to 15 minutes and no other Senator is seeking recognition? What would be the parliamentary procedure, so that we might understand that for the rest of the day?

I felt the Senator from Oklahoma could have gotten the floor in his own right without—

The PRESIDING OFFICER. The Chair finds that as long as we are in morning business, any Senator can be recognized for 15 minutes at a time.

Mr. FORD. I ask unanimous consent to speak as in morning business for an additional 5 minutes.

The PRESIDING OFFICER. The Chair would find that every time the Senator is recognized, he would have 15 minutes; it is not necessary to ask unanimous consent.

Mr. FORD. Now, that is clear.

#### HOW THE SENATE OPERATES

Mr. FORD. Mr. President, it is a new day and I am enjoying it. I remember when I came from Frankfort, KY, as a former Governor, I had a file cabinet, one of those paper file cabinets, drawer size, with projects in it that I was unable to complete. If you remember—maybe you all are not old enough—but if you remember, we had a pocket veto of highway funds and utility funds by President Nixon. A suit was filed, as I recall—do not hold me to every detail, but a suit was filed—and I think Senator Muskie was the chairman of the Budget Committee, and the Governor of Missouri filed suit. The courts held that the President of the United States had to release that money.

Well, we had been held up for a year and we were into the second year of appropriated funds, so we had a lot of money to spend. We were doing well. We got the first and second phases of some projects done—sewer, water,