

mandate to State and local government and to the private sector, before the mandate is adopted.

For far too long, Congress has given State and local governments new responsibilities without supplying the money needed to fulfill these new obligations. Those unfunded mandates have forced State and local officials to cut services or increase taxes in order to keep their budgets in balance.

The costs are immense. California Governor, Pete Wilson, estimates that unfunded mandates cost his State \$7.7 billion last year.

#### MORE INFORMED DECISIONS

This new process is a reality check for advocates of new mandates. It forces those who want to expand the reach of the Federal Government to consider the potential cost of their actions to State and local governments and to the private sector—before they take action. It is a reality check for advocates of new mandates.

Those who want to create new mandates or expand existing ones have a choice: Either get an estimate of the potential cost of a new mandate and pay the full cost of imposing that mandate on State and local governments up front or try to get a majority of the Senate to agree that the Federal Government should not finance the new mandate.

This legislation is really about good government and accountability. Here's the bottom line: The potential costs of new legislation should be considered before the legislation is adopted.

#### WHO BENEFITS MOST FROM MANDATE RELIEF?

There has been a lot of discussion about who this legislation helps. It certainly is a top priority for State and local government officials—Democrats and Republicans—who are sick and tired of dealing with a Congress that passes the buck. I have met personally with representatives from the so-called Big 7—Governors, mayors, State legislators, county officials, school boards, and so forth. They know that mandate relief will make it easier for State and local officials to balance their budgets each year.

But, the real beneficiaries of this legislation are the people who ultimately pay all the bills for unfunded mandates: individual Americans.

People—not government—pay all the taxes, both hidden and direct, generated by unfunded mandates. Federal mandates on businesses lead to higher prices for goods and services people on those businesses.

When faced with an unfunded Federal mandate, State and local government officials make a choice—they cut services or raise taxes in order to comply with the new Federal requirements and balance their budgets.

Stemming the flow of unfunded Federal mandates from Washington will help keep State and local taxes down and help prevent cuts in education, crimefighting and other State and local services.

Mr. President, this is a good Government initiative that is long overdue. I am confident that it will be approved with broad bipartisan support. I hope that those in the other body will be able to act on this legislation without major changes and that we can get this important legislation to the President as quickly as possible.

So I want to again congratulate my colleagues.

### UNFUNDED MANDATE REFORM ACT

Mr. DASCHLE. Mr. President, I thank the majority leader for yielding. I did not have the opportunity to listen to his entire statement, but his comments at the end reflect sentiments that I had intended to express.

This is the end of business as usual, at least as it affects our relationship with the States, local governments, and tribal governments. I commend the managers of the bill on both sides of the aisle for their hard work. They have done an outstanding job in the course of the last 2 weeks to bring us to this point.

Senator KEMPTHORNE and Senator GLENN have shown the demeanor and the comity between themselves, and certainly the patience in working with all of us, to make passage of this bill possible.

Let me also say that because we took the time, because we deliberated thoroughly for the last 2 weeks, because we have had the opportunity to offer amendments and considered them carefully, this is a much better bill than the version that was presented to this body just 2 weeks ago. It has been improved by the process. Those improvements resulted in broad bipartisan support for the legislation in the end.

To all of my colleagues, I say it is important that everyone understand the difference between the House and the Senate. Certainly, it is possible to pass legislation through the House more quickly, but I do not believe that all the legislation that goes through the House is exactly as we would like it in the Senate. The responsibility of the Senate is to deliberate more carefully and to deal more deliberately with the legislative issues at hand.

There are many very complicated and difficult questions we have had to face with this issue, as there will be with other bills that will come before us. The amendment process is our only means to effectively deal with those questions in a meaningful way.

So it is with great admiration that I come to the floor this afternoon to congratulate the two managers of this legislation. But I must remind my colleagues that the minority feels very strongly that as these amendments and bills come before us, we will take our time, we will do what we must to ensure that all matters related to the legislation get thorough consideration. We will be as supportive as possible when we agree with our Republican

colleagues on the merits. But certainly we must object when the process does not allow us or accord us the opportunities the minority deserves as these complicated bills come before us.

Mr. President, I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from South Carolina.

Mr. THURMOND. Mr. President, I was pleased to cosponsor S. 1, the Unfunded Mandates Reform Act of 1995, a bill to curb the practice of imposing unfunded Federal mandates on States and local governments.

This is an important piece of legislation, and I am delighted it has passed.

I wish to commend our majority leader, Senator DOLE, and all the others who joined on this bill as cosponsors. I especially wish to commend Senator DIRK KEMPTHORNE, the Republican manager of the bill, and Senator JOHN GLENN, the Democrat manager.

Senator KEMPTHORNE is a new Senator, yet he managed this bill as if he were a veteran of 20 years. He artfully handled it with great skill and much grace. We are very proud of his efforts. I predict this bill is going to bring great results to this Government, and I look forward to those results in the years ahead.

Mr. President, over 1 year ago, in October 1993, thousands of mayors, county commissioners, and Governors met in front of their town halls, court houses, and State houses and gathered here in Washington to speak out against, what is popularly described as, the unfunded mandates issue.

Unfunded Federal mandates arise when the Federal Government, through legislative or executive action, directs State and local governments to establish a particular policy or program, without providing the financial resources to implement that policy or program.

Mr. President, this situation emanates from our unique system of government. By design of our Founding Fathers, governmental power in our Nation is divided between the National Government and State and local governments. The National Government, with delegated and implied powers, coupled with the supremacy clause of article 6 of the U.S. Constitution, has taken upon itself to direct the States in many areas of law and public policy. On the other hand, the 10th amendment to the Constitution specifically reserves to the States or to the people, powers not delegated to the United States by the Constitution. Thus, a natural tension arises between levels of government, particularly when it involves unfunded mandates.

Federal laws and regulations place a heavy burden on State and local governments, as well as businesses and consumers. Cities and counties are hit particularly hard by Federal environmental rules which require expensive capital expenditures and operational

costs to comply with Federal standards.

Numerous surveys and studies have been conducted to determine the extent of the burden of unfunded mandates. These surveys consistently report findings that unfunded mandates consume significant portions of State and local budgets, totaling billions of dollars.

Mr. President, the message of State and local government officials is being heard in Washington, and their concerns are being addressed. Last year, in addition to an Executive order issued by President Clinton, unfunded mandates legislation was considered by Congress, although final action on the measure could not be completed in the closing days of the last Congress.

I am pleased that the Senate has acted on this reform legislation addressing unfunded Federal mandates. No one could have handled this bill with more talent and skill than Senator KEMPTHORNE has done, and I congratulate him on the leadership he has shown on this issue. Also, I commend the majority leader and relevant committees for quickly bringing this bill to the floor. This measure is widely supported, as indicated by the bipartisan majority of Senators who cosponsored the bill, and who ultimately voted for final passage.

Mr. President, S. 1 establishes a legislative framework based on three fundamental concepts—information, consultation, and accountability. First, this bill provides that Congress must consider information on the cost of mandates to State, local, and tribal governments, as well as to the private sector. This information will identify whether or not proposed legislation includes a mandate and, if so, the cost of the mandate.

Second, the bill requires consultation with State, local, and tribal officials when Federal agencies develop regulations that contain significant Federal mandates. This provision is consistent with President Clinton's Executive order which seeks to establish a closer partnership between the Federal Government and the States.

Third, the bill establishes a method of enforcement and accountability. It provides for a point of order against committee-reported bills and resolutions which contain a mandate but fail to provide information on the cost of the mandate. Another point of order lies against legislation which contain unfunded mandates exceeding the \$50 million threshold. These provisions put an end to the practice of passing hidden costs to the States. Congress must now openly address these costs and make a deliberate decision to impose a mandate and pass on the costs of that mandate.

Mr. President, the issue of the proper role of the Federal Government is one which the Nation has faced from its beginning. Since our colonial days, Americans have been suspicious of centralized executive power. Recognizing a le-

gitimate role for government, the Founding Fathers nevertheless sought to limit the power of the National Government. This bill is another step toward restoring the Federal-State partnership as it was designed and intended by the Founders of the Constitution. The word "Federal" evolves from the Latin word *foederatus*, meaning covenant or compact. The Constitution establishes that compact or contract between the governed and the government, and between the National and State governments. It gives specified powers to the central Government, and reserves all other powers and rights to the people and to the States. Today, however, the Federal Government continues to expand its influence in commercial regulation, environmental protection, welfare reform, and health care. Any one of these areas contains the potential for continued pressure on both the Federal treasury as well as State and local budgets.

Mr. President, while the issue of Federal mandates will not likely disappear in the foreseeable future, the Unfunded Mandate Reform Act of 1995 will help to diminish the threat to State, local, and tribal governments and will bring timely information, accountability, and consultation to the process. I was proud to support this legislation which prohibits the Federal Government from mandating State or local government action, unless Federal funds are provided.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Chair would like to thank the Senator from South Carolina for his comments.

The Chair recognizes the Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the Chair.

I would like to add my words of congratulations to the Senator from Idaho. As was mentioned by the Dean of the Senate, Senator KEMPTHORNE is a freshman. He has only been here for 2 years, and it is a very rare thing that someone who has been here only 2 years would be able to take a bill to the floor and to handle that bill really alone as the sponsor of the bill, with able help and participation from Senator GLENN, as well.

Senator KEMPTHORNE really deserves the credit, and I wish to congratulate the people of Idaho for electing a person who is a former mayor of Boise, who came here with a mission, to try to help a situation that he had experienced firsthand as mayor. I relate to that experience because I was State treasurer of my State of Texas. The others that were the first people on this bill were also State or local officials, such as Senator GREGG, who was the Governor of New Hampshire.

People like us, who came from local and State governments, really understand what was happening to the 10th amendment. The 10th amendment is one of the most important amendments to our Constitution. A lot of people for-

get it was the States that created the Federal Government; it was not the Federal Government that created the States. And the 10th amendment says exactly that, that all the powers not specifically reserved to the Federal Government shall go to the States and the people.

We must return to the 10th amendment, and we took a historic step today on this side of our Congress to do just that, to restore the rights of the States and the local governments to make the decisions closest to the people. That is what our Founding Fathers intended, and that is what I hope every step we take throughout this session will continue to approach.

I want the government closest to the people to make the decisions that relate to the people to whom they are closest. This was a major first step, and I am so proud to see that the House is now debating this very same bill. I look forward to the President having the relief to the States and cities on his desk by the end of next week. That will be a major step.

In fact, this really has been a historic week in Congress. On the other side of the Capitol, the House yesterday passed a balanced budget amendment, a great step forward for our children and grandchildren to know that we are going to act responsibly to start trying to get toward that balanced budget so that we will not pass our debts on to the next generations. And on this side of the Capitol, we passed the first step to giving the States and local governments closest to the people the rights they should have.

So I just want to commend Senator KEMPTHORNE. I commend all who worked so hard on this bill. For the last 10 days, it has really rested on him, and I think it is a great step forward. We are beginning to do for the people what we hoped we could do, what they asked us to do on November 8, and that is to start making the Federal Government less intrusive on our lives.

I thank the Chair.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Ohio.

Mr. GLENN. Mr. President, I want to respond to the very kind remarks made by several people about myself and Senator KEMPTHORNE with relation to this bill. I do believe this is very, very important legislation. I referred to it several times during debate as landmark legislation, and I think it is that important. A lot of times some of these things about processes and procedures and what you have to consider before you do something else, the organization of Government, the intergovernmental relationships between the Federal, State and local governments and how that fits in with the Constitution and so on, are arcane. They are looked at as something boring and not too interesting. But we have referred to them, on the Governmental Affairs Committee, occasionally, as doing sort

of the grunt work of Government, if you will.

They are not as spectacular, not as interesting, maybe, as looking at B-2 bombers, M1A2 tanks, radars, and all the other things that go on. But improvements in these areas have, for the future—5, 10, 15, 20 years down the road—the potential of making our Government work better, work more efficiently, and that is what this is all about. That is why I do believe this is landmark legislation.

What it has done basically is reversed a trend that was started some 60 years ago. I mentioned on the floor several times during this debate over the last 2 weeks, that I go back in my own lifetime to the days of the Great Depression. I remember that very well. Why is that important in considering unfunded mandates? Because prior to that time there were not some of the demands made on States that came to be common in the days during and after the Great Depression. Prior to that time in this country families took care of families, communities took care of communities. It was rare people could not take care of each other within the local community. Once in a while maybe some young person had to be sent to the county orphanage or some old person had to be sent to the county home. That was looked at as a failure of the community at that time.

That was sufficient. That Norman Rockwell view of America was sufficient in the early days of this country. It worked and I wish America still worked that way. But what happened in the days of the Great Depression was there was hunger, there were soup kitchens in the United States of America. If the movies portray it properly, the Okies were heading west with a mattress on top of the car. The United States at that time had enough doubt about itself that it was questionable what would become of this country—it was that serious.

There was hunger in America, if you can imagine that, on a big scale. Unemployment was over 20 percent for 4 straight years; 1 year, unemployment was right at 25 percent. America had lost its ability to cope and to take care of each other in that Norman Rockwell world that had been so great for this country and a hallmark of this country—people taking care of each other.

But that broke down. I remember my dad running an extra 2 acres of land, planting a big garden, and giving food away to the people in the town. We helped. I will not go into all the details of that. But then came along, out of that kind of disaster, the election of Franklin Delano Roosevelt and the New Deal. Whether people today think that was a good idea or not, I can tell you about those days when the mortgage on the home I was living in was saved by the FHA, and where people were put back to work, where I remember my dad, who had a little plumbing shop, going to work on a WPA project in New Concord replacing the water

system that was made out of wooden pipes—wooden pipes—with a new and more modern water system—things like that went on all over the country.

A program was started for rural electrification and the lines went out across the country. The farmers, then, had new energy sources to help them do their work. I will not go into all the things that were part and parcel of that whole New Deal. I think too many people these days speak of the New Deal in scathing tones. But the New Deal addressed the problems of America at a time when America had lost its own capability to take care of itself, person to person, community to community and so on. It was that serious.

Did some of those programs over the last 60 years go too far? Why, of course they did, and I would be the first to admit that. We say now that all of the concern for people and for training and job training that has resulted in, I believe it is 128 different Government job training programs, many that overlap—is wasteful. Is this wasteful? Of course it is. Should we correct that? Of course we should. But some of the things that have happened over the last 60 years began in tragedy for this Nation, and the programs that were put in back at that time were lifesaving programs for this Nation.

We have come to the point over the last dozen years or so where Federal demands on the States, pursuant to programs quite laudatory as far as their purposes go—but too many of the programs have been just mandates given to the States. “Let the States pay for them.” Maybe we pay 10 percent from the Federal level, but then put big demands on the States.

Where that could be done, perhaps satisfactorily back maybe 15 or 20 years ago, it will no longer work because those Federal demands have become so great, with environmental concerns such as the Clean Air Act and Clean Water Act, building codes, police and law and order, and all the other things that we know about, where demands have been placed from the Federal level on the local communities or on the State government but the adequate money has not flowed along with that to help them implement those programs. Along with that, in the mid-1980's there was what was called the new federalism that cut out a lot of the normal Federal support. Community Development Block Grants and some of the other programs were cut out that the States had been depending on to help them cope with some of these Federal demands.

So we have seen an enormous, exponential increase in the last 10 years or so in demands on the States and local government that has become intolerable. Starting back about 3 or 4 years ago we saw complaints coming from the States, complaints coming from counties, from local governments and increasing in volume and increasing in concerns expressed about where this country was going if we continued this.

Were we violating the Constitution? Were we violating propriety? Just “what is right” might be even a better question than one about the Constitution, because we cannot just heap requirements on the States and expect them to be able to cope with that.

That is the reason I think this legislation is so important. To those who just decry everything about New Deal and everything about the Democratic support for some of those programs and so on, I point out those programs were born of necessity in a time of crisis for this country. Now, after a period of some 60 years, though, we are saying that what finally happened with these programs, where the funding was put back on the States too much, that this has to be reversed. So that is the reason I see this as landmark legislation.

I think we have reached a height. We are leveling this off. We are saying there absolutely has to be considered up front the costs of programs and there has to be a vote on those programs, if it is demanded, right here. So we have to assume our responsibility, where too often in the past we have just taken these programs and said: I am sure the States can take care of that. Let us vote that in. There has not been too much squealing recently, they must be able to do it. So we just go and vote that out.

That will no longer be the case. When this legislation is finally through the House or whatever compromise version comes out of the House, we will have moved to a different level, a different relationship between the States and the Federal Government and the local governments.

I have been getting an increasing amount of mail about this subject. I would say to the Governors out there across this country, I have been getting an increasing amount of mail from local officials, from city and county officials, saying, “They do to us what you do to them.” In other words, the State does to my county, the State does to my town, what they are complaining the Federal Government does to the States. So I think the Governors have to take it upon themselves to make certain that this “no money, no mandate” that is sweeping the country includes the relationship among the States and local governments.

There have been some editorials in our home State of Ohio to that effect, where they pointed out some things where the State has given the local government problems in just such an issue as we are trying to address in the relationship between the Federal and State Governments.

So I think there is another area where the Governors and the States have to make certain that they are also taking adequate action. There are still needs of the people out there across this country. There are still needs of the poor. There are still needs to have to be met with regard to Medicaid, medical care, and health care,

some of which are provided for by Federal funds that are allowed to become less available to the States. But the needs of the people have not changed. Can the States adapt to this new situation, particularly if we pass a balanced budget amendment? Can the States adapt to this and assume those services now that they could not or would not do back in the days of the Great Depression, and assume it now some 60 years later as we reverse this relationship between the Federal, State, and local governments?

I think that has yet to be seen, and I think as a result of the legislation that we are here passing and will be passed over in the House one of these days, I hope, I think we have to very carefully watch this to make sure that some States are not less careful to take care of the needs of the people so that we do not see them once again going through a trough, as a Federal necessity to move in, and come about because of the States unwillingness to act.

So with those caveats on this I am very, very glad to see this legislation passed today. We worked on it a long time.

#### COMMENDATION OF SENATOR KEMPTHORNE

Mr. President, I want to mention briefly some of the people involved. Certainly Senator KEMPTHORNE, who has been a real driving force behind this starting about 2 years ago, introduced the legislation along with about half-dozen other proposals that were put forth that were referred to the Governmental Affairs Committee, must be commended. I had been working on some legislation along this line myself. And so we combined forces on this. He has been an absolutely superb person to put this legislation forward. He has been a real spark plug on it, has kept after it when we were trying to have hearings in the Governmental Affairs Committee, and wanted to have hearings. If the hearings were not scheduled for a week or so, I would get a couple of phone calls from Senator KEMPTHORNE very nicely, politely asking, "John, couldn't we work this in? Don't you think maybe we could somehow work this in over there?" And work it in we finally did, and we got the legislation out last August.

I will not go through the litany which I have gone through a couple of times already today about what happened once we got it out of committee in August, and what happened during the fall when we could not get adequate time on the floor to have it considered. Then the election came about. There was a new attitude over in the House, and we thought perhaps S. 993, which was the first bill that was an adequate bill by all estimates, might not be the legislation that the House had wanted to agree to now with the changed political situation. So this new legislation, S. 1, was put forward and was given the preeminence that it deserved by being named S. 1, the No. 1 bill to be considered.

Senator KEMPTHORNE, through all of this, has been a superb person to work

with, friendly, congenial. We have not had any harsh words. We have worked things out between us.

I want to congratulate him for his persistence in this regard. It has been great to see him work, and as we mentioned here not too long ago on the floor—an hour or so ago—to have someone come here with a very complex piece of legislation and handle it the way he did is a real testimony to his capability.

#### COMMENDATION OF STAFF

Mr. President, on Senator KEMPTHORNE's staff, of course, Buster Fawcett, who is here and has worked on this, as the prime person working on it; Brian Waldmann, also, Senator KEMPTHORNE's administrative assistant, and Gary Smith, all have worked on this, have done a superb job, and have done a lot of work. They have had a lot of sleepless nights.

On my own staff, Leonard Weiss is our staff director on the Governmental Affairs Committee, who is here, along with Sebastian O'Kelly and Larry Novey, who is back in the back here. All of them worked and worked and worked on this, and did a superb job in all the negotiating back and forth. I want to give them full credit for that.

#### COMMENDATION OF SENATOR LEVIN AND HIS STAFF

Mr. President, let me say a word also about Senator LEVIN from Michigan. I have never known a Senator since I have been here who is more persistent, who, once he gets his teeth into something that he believes in, becomes a real pit bull for that purpose, and who by his background and training, having been president of the Detroit Council at one time, has a feel for local issues as well as the Federal issues that we deal with here, but he brings that kind of a background to this consideration of such legislation as this. Where other people may say that phrase is OK, he wants to dig into every phrase to see what its impact is going to be, to see what can be misconstrued under this and whether it can be corrected by a change of wording.

In other words, his emphasis through all of this is one of principle, of how we make legislation work better. How is it going to apply to the States? How will it apply to the city of Detroit? How will it apply to the counties? On and on, he tries to set up scenarios to illustrate the weaknesses in legislation. That is what motivated him through all of this in committee.

He was so unhappy when we were not able to get any amendments considered in committee. They were automatically voted down, and we had to bring them to the floor. But he persisted, and he brought those concerns to the floor and dealt with many of them right here on the floor.

I want to pay credit to him, and particularly to his staff, Linda Gustitus, who is the staff on the Oversight and Government Management Subcommittee of Governmental Affairs. She has done a superb job on this. I want to give credit to them.

#### COMMENDATION OF SENATOR DASCHLE'S STAFF

Mr. President, on the minority leader's staff, Senator DASCHLE's staff, Mike Cole and Eric Washburn, all worked very hard on this. I know that we stand up and take credit and we get all the laudatory comments about doing some good with a bill like this. But it is the staff who worked the long nights sometimes with us, sometimes in our absence, while the Senators were home in bed quite frankly, and did such great work on this.

I do think they can take great pride in seeing their work on landmark legislation. I think that will be the case as the years go on, and as they continue to work with us to make sure that this is fine tuned, and that this legislation is working as intended.

So I want to give credit to all of those people and the other Senators involved here, and we are proud to have worked on this ourselves. We are glad we got the bill through.

We have the job now of hoping to get it through over in the House, or a compromise version thereof. We look forward to being able to attend the signing ceremony, I hope in the not-too-distant future at the White House when this finally becomes law.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Thank you, Mr. President.

I want to associate myself with the words of my colleague from Ohio on this legislation, that we understand that this is landmark legislation. We may have seen the turning of the corner of a new attitude, maybe a new cooperation between the States and the Federal Government.

Senator GLENN was commenting on times gone by back in the Great Depression, of course, in that great era of drought and what drove the "Okies" to California. I would have to say I do not know what it is doing now but the Californians are coming to Montana now. I do not know what is driving them. But also as a fellow marine, we did not even know it at the time, but that goes back further than either one of us want to visit about, I congratulate him on his tenacity, and Senator KEMPTHORNE from Idaho, because unfunded mandates just did not start 1 year ago or 2 years ago. It has been going on here quite awhile as the debate got going, and finally we see today it has come to fruition in the passage of this bill.

#### WESTERN FOREST HEALTH INITIATIVE

Mr. BURNS. Mr. President, I want to bring up a situation that caught my eye.

Day before yesterday I received a copy of an Associated Press article that exposed a previously unreleased