

We have illustrated in the course of this debate the kinds of people who will be adversely impacted if the Senator's amendment is adopted.

The PRESIDING OFFICER. The Chair advises the Senator his 3 minutes have expired.

Mr. KENNEDY. Mr. President, therefore, it is my hope that the motion to invoke cloture would not pass, that the amendment itself would be withdrawn and that we would go back to further consideration of the very important underlying defense appropriations bill.

I thank the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, how much time is remaining?

The PRESIDING OFFICER. Just over 2 minutes.

Mr. DOLE. Mr. President, let me just lay it out cold. This is all about politics. It has nothing to do with workers or anybody else.

Last week, President Clinton kicked off his 1996 reelection campaign by signing an Executive order that would prohibit Federal contractors from hiring permanent replacement workers during economic strikes.

Despite all the talk about fostering fairness in the Federal workplace, the Executive order is a transparent effort on the President's part to shore up a political base that he believes is vital to his own reelection chances.

During the past several years, Congress has considered, and repeatedly rejected, the so-called striker-replacement bill. That is why the President is setting a dangerous precedent if he believes he can revive this defeated legislation simply by issuing an executive order.

It is the responsibility of Congress, not the administration, to write the laws governing labor-management relations in this country.

So, Mr. President, I urge my colleagues to support this motion to invoke cloture. The amendment offered by my friend and colleague from Kansas, Senator KASSEBAUM, will help restore the careful balance—that is what we want—a careful balance between labor and management that has been the hallmark of our system of collective bargaining for more than 60 years.

The President's misguided directive is a politically inspired attempt to do an end run around the legislative process. I do not believe it should go unchallenged.

I yield the floor.

#### CLOTURE MOTION

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 amend-

ment No. 331 to the committee amendment to H.R. 889, the supplemental appropriations bill:

Hank Brown, Nancy Landon Kassebaum, John Ashcroft, John Kyl, Lauch Faircloth, Don Nickles, Strom Thurmond, Dan Coats, Judd Gregg, Slade Gorton, Bob Dole, Chuck Grassley, Craig Thomas, Conrad Burns, Trent Lott, Mike DeWine, Pete Domenici.

#### CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent the quorum call has been waived.

#### VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the Kassebaum amendment No. 331 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a pair with the distinguished Senator from Washington [Mrs. MURRAY]. If she were present and voting, she would vote "nay." If I were at liberty to vote, I would vote "aye." Therefore, I withhold my vote.

Mr. LOTT. I announce that the Senator from Vermont [Mr. JEFFORDS] is necessarily absent.

Mr. FORD. I announce that the Senator from Washington [Mrs. MURRAY] is necessarily absent.

On this vote, the Senator from Rhode Island [Mr. PELL] is paired with the Senator from Washington [Mrs. MURRAY].

If present and voting, the Senator from Washington would vote "nay" and the Senator from Rhode Island would vote "aye."

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

The yeas and nays resulted—yeas 58, nays 39, as follows:

[Rollcall Vote No. 103 Leg.]

#### YEAS—58

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

#### NAYS—39

Akaka	Bryan	Feinstein
Baucus	Byrd	Ford
Biden	Conrad	Glenn
Bingaman	Daschle	Graham
Boxer	Dodd	Harkin
Bradley	Dorgan	Heflin
Breaux	Feingold	Inouye

Johnston	Leahy	Reid
Kennedy	Levin	Robb
Kerrey	Lieberman	Rockefeller
Kerry	Mikulski	Sarbanes
Kohl	Moseley-Braun	Simon
Lautenberg	Moynihan	Wellstone

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—2

Jeffords

Murray

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 39. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

#### UNFUNDED MANDATE REFORM ACT OF 1995—CONFERENCE REPORT

The PRESIDING OFFICER. Under the previous order, the Senate will now vote on the conference report accompanying S. 1, which the clerk will report.

The bill clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the House to the 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, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The Senate resumed consideration of the conference report.

#### SECTION 105

Mr. KOHL. Mr. President, I invite the chairman of the Budget Committee to engage in a colloquy with me on section 105 of the conference report on S. 1, the Unfunded Mandates Reform Act of 1995.

During consideration of S. 1 before the full Senate, I offered an amendment which makes clear that nothing in this legislation denies Federal funding to States, local, or tribal governments because they are already complying with all or part of a Federal mandate. That amendment is now section 105 of the bill.

The conferees modified my language by stating that my amendment made reference to any mandates that are funded pursuant to section 425(a)(2) of the Congressional Budget and Impoundment Control Act of 1974, as added by section 101 of this act.

However, the report language accompanying S. 1 refers to section 425(b)(2).

I ask the distinguished Senator from New Mexico, is this reference in the conference report incorrect?

Mr. DOMENICI. Yes; the Senator is correct. The report language inadvertently refers to section 425(b)(2) when it should have been referring to section 425(a)(2). I appreciate the Senator from Wisconsin bringing this to the Senate's attention and it is my hope that this colloquy sets the record straight on the intent of the conferees on this language.

Mr. LAUTENBERG. Mr. President, when the Senate considered the unfunded mandates bill earlier this year, I voted against it. I am prepared to vote against the final version of that bill now. My concerns about S. 1 were not addressed in conference and, in fact, one could argue that bill comes back to us in worse shape than it left.

The conference made two substantive changes in the bill. First, judicial review has been added to an already unwieldy process and, second, the threshold above which CBO must provide cost estimates for private sector unfunded mandates has been reduced from \$100 to \$50 million.

These changes only reinforce my criticism of S. 1 as passed by the Senate in January: The procedural hurdles created by this legislation will only add to the arsenal of dilatory tactics which already have the ability to nuke necessary legislation and destroy public faith in the Congress.

Last year, I supported legislation that would have addressed the problem of unfunded mandates in an appropriate and effective manner. That bill, S. 993, would have required Congress to think carefully and critically about the mandates we were about to impose upon State and local governments. We would have to acknowledge the magnitude of the burden before we passed legislation. Congress could no longer hide behind ignorance. I believe this bipartisan effort would have remedied the problem of the Federal Government imposing mandates without thorough consideration of the financial burdens already faced by other levels of government.

The pending legislation, however, goes well beyond that. Not only is S. 1 procedurally flawed, it also enshrines the misguided principle and the unjustified presumption that the Federal Government should not impose requirements on the States unless it pays them to carry out the mandate. Supporters of the bill will respond that a simple majority can waive the requirements of this bill; however, the politics of such a waiver make this an unlikely occurrence. Clearly, the presumption is that unfunded mandates are inherently bad. I don't agree with that premise.

Many in Washington seem to have forgotten that State and local governments benefit from a clean environment and a healthy work force. I believe it is the Federal Government's responsibility to act when State and local government don't want to spend the money to prevent pollution or to immunize children. We should be there to stop gun-running across State lines

or the spread of HIV-contaminated blood. We have a role in fighting the flood of illegal immigrants across our borders or the flow of people across State lines as a result of benefit shopping.

I am proud to represent a State which has some of the toughest environmental laws in the country. New Jersey cares for its disabled. We have tough gun control laws and occupational safety regulations. But these strengths could become a disadvantage to us if Federal standards are weakened or eliminated. I'll provide an example which was only too true for my State just a few years ago.

In the late 1980's, hundreds of millions of dollars were lost to New Jersey's economy because of another State's negligence. Raw sewage and medical waste originating from a neighboring State washed up on our beaches. This well-publicized problem not only tarnished by State's reputation—tourism is our largest employer—it cost us millions to clean it up. Federal Government intervention was necessary. An unfunded mandate was imposed upon the polluting State, but it was a necessary mandate and I believe it was proper that it was largely unfunded.

Today we are institutionalizing a dangerous precedent: unless the Federal Government pays, States do not have to comply with Federal standards. Many States will have no incentive to try to prevent transborder pollution. Why should a State worry about its neighbors when it could spend that money on its own constituents. Would enough U.S. Senators look with sympathy on those States who are victims of another's pollution so that they would waive the requirements created under this legislation? I hope so, but I have enough doubts that I must vote against this conference report.

Why has the Federal Government set standards to prevent States from cutting off food stamps to children or eliminating aid to legal immigrants? Because we know that some States, but for the Federal standards, would do exactly that. We created these standards because we did not want the kind of country where kids in one State would be denied nutritional assistance while the children of another jurisdiction received the benefits of such aid. We did not want a society that would cause some citizens to be disadvantaged merely because they had the misfortune of being born or raised in a State which did not place the same priority on pollution prevention or on caring for poor children.

Mr. President, we do need to deal with the problem created when one level of government shifts the cost of programs to another level of government. But we have to do so in a way which is consistent with both the Federal structure of our society and the compassion which powers us as a people. I do not believe this bill is consistent with those characteristics of our

country. And I fear that it is simply a precursor of efforts to develop no-strings block grants which could, in the name of flexibility, destroy the ability of all Americans—wherever they live—to count on their Government to provide certain levels of services and meet certain standards of conduct.

For me, then, this is just the first step in what I suspect will be a long but ultimately triumphant fight to preserve the Federal nature of our system and the national character of the American experience.

Ms. MOSELEY-BRAUN. Mr. President, when I came to the Senate 2 years ago, I was surprised to discover that there was almost no discussion about the impact of mandates imposed by the Federal Government on State and local governments. Yet, today we are voting to implement legislation that shows that Congress promises to curb the practice of imposing Federal mandates on State and local governments without advance, complete disclosure of the impact of those mandates. As a strong supporter of this legislation, I am happy that we were able to come together to pass this long needed legislation.

S. 1 has achieved an important balance—a balance between the benefits of mandates and their costs. We have also achieved an important balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Creating a mechanism that will help ensure that the voice of State and local governments is heard in Washington before legislation is enacted is both sound policy, and something that has long been needed.

S. 1 will make Federal officials more accountable. The Federal Government has foisted too many of the costs of Federal mandates on State and local governments for too long. Asking the Federal Government to make its decisions with good information—with the best information we can get on the State and local governments that will have to live by those decisions—should not be controversial. Rather, it is the way decisions should always have been made, and the way decisions should always be made in the future.

S. 1 requires the congressional committees to report on the costs and benefits anticipated from any Federal mandates contained in the bills they report to the Senate for action, including the effects of the mandate on health and safety, and the protection of the environment.

S. 1 has also achieved a better balance between the Federal, State, and local governments' roles in the writing of Federal regulations to implement legislation. Now State and local governments are partners to the Federal Government in writing these implementing regulations. Mandates impact big cities and small communities differently, yet rarely are regulations

written to be sensitive to those differences. S. 1 requires that special outreach efforts be made to ensure that the voices of all State and local governments are heard.

S. 1 is an important step in the right direction. It creates equilibrium between the Federal Government and State and local governments. Now agencies will be required to estimate the costs of new rules to governments and industries and also analyze the effect of new rules on the U.S. economy, employment, and international competitiveness.

To further increase the Federal Government's accountability, State and local governments will now be allowed to challenge whether or not Federal agencies have completed required cost-benefit analysis. As State and local governments have to live by those decisions, it is right that Federal officials are held accountable for their analysis. However, the purpose of the bill was not to have courts second guess the Congressional Budget Office's attempts at analysis, which are often done quickly to satisfy numerous requests, but to redress failures of an agency to prepare written statements of mandate cost estimates.

S. 1, however is not a repudiation of the whole idea of mandates. The mandates that the Federal Government used to make real progress in civil rights and our treatment of the disabled, for example, were essential to our progress as a nation, and as a people. I applaud the fact that S. 1 recognizes how essential those mandates were and are, and that under the terms of the bill, future civil rights legislation which builds on this tradition will be exempt from S. 1.

S. 1 is necessary not because mandates are wrong in principle. The real reason it passed is because of the budgetary shell game that was played in the 1980's. The 1980's were a time when many domestic programs were slashed, with mandates pushing the responsibilities onto hard-pressed State and local governments. I was in the Illinois House when President Reagan introduced the New Federalism. It was supposed to redefine the relationship among Federal, State, and local governments. What it really did was to make large cuts in Federal taxes, and push off the responsibilities of providing necessary services to State and local governments—without sending the money. The net result of that exercise in fiscal subterfuge was an explosion of Federal debt from only about \$1 trillion in 1980 to closing in on \$5 trillion now.

S. 1 is designed to ensure that the kind of budget fraud we saw in the 1980's won't be repeated in the remainder of the 1990's, or in the next century. S. 1 cannot undo the mistakes made in the 1980's. What it can do, and what we must do, is help ensure that we don't repeat those mistakes. Now Congress will make informed decisions that give the interests of State and local govern-

ments the attention and consideration that they deserve.

S. 1 had strong bipartisan support when it passed the Senate on January 27, 1995, with a vote of 86-10. It also had strong support in the last Congress, when the Democrats controlled both the House and the Senate. S. 1 has strong support from Democratic mayors such as Mayor Richard Daley of Chicago, and from other Democratic and Republican mayors across the country. Governor Edgar of Illinois wrote me supporting S. 1, and numerous county boards in Illinois also wrote in support of this legislation. It is clear that unfunded mandates have consumed an increasing share of State and local budgets, and that it is time for a change.

We are all in this together, Mr. President. The Federal Government, State governments, and local governments, are all trying to meet their responsibilities to the American people. S. 1 will promote cooperation between the various levels of government, and make it easier to address the problems that the American people elected us all to solve.

I want to conclude my remarks by congratulating my colleague from Idaho, Senator KEMPTHORNE, and my colleague from Ohio, Senator GLENN, for their leadership in crafting this legislation. I am pleased that we have the opportunity today to enact this important and meaningful reform.

Mr. DORGAN, Mr. President, I rise to discuss the conference report on S. 1, the Unfunded Mandate Reform Act of 1995. It is great pleasure to speak on the floor about a conference report on this bill, because it means we have come a long way.

I remember when Senator DOMENICI and I introduced our own bill on unfunded mandates in the fall of 1993. I have been working to rein in Federal mandates ever since.

I want to start by thanking the ranking member of the Governmental Affairs Committee, Senator GLENN. Senator GLENN had been a leader in mandate reform long before this issue was popular. Under his leadership, the committee held three hearings on this bill before our markup last year. One of those was a field hearing that I chaired in Minot, ND. And of course, we had our joint hearing with the Budget Committee in January.

I would also like to salute Senator KEMPTHORNE for his hard work on this bill. I knew it was his top priority when we both joined the Senate 2 years ago. And his efforts have today borne fruit with the adoption of this conference report on S. 1.

#### CURBING UNFUNDED MANDATES

Mr. President, S. 1 has a simple premise—that the Federal Government should not impose financial mandates on State and local governments without adequate consideration of those mandates, and that we should try our best to provide funding for those mandates.

Much of this bill matches closely S. 1592, the Fiscal Accountability and Intergovernmental Reform Act, or FAIR Act, which Senator DOMENICI and I introduced in the last Congress. S. 1 would require that the Congressional Budget Office review legislation for the costs that mandates would impose on State, local, and tribal Governments. If a bill is not analyzed by CBO, a point of order could lie against the bill. S. 1 would also require regulatory review of proposed rulemakings proposed by agencies in the executive branch. This is a vital step because Congress cannot always anticipate how a regulation will be interpreted. S. 1 would closely parallel the regulatory review Executive orders issued by President Clinton. I am pleased to see these two principles of my own mandate relief bill at the heart of S. 1.

During my work on mandate relief, I have heard from State and local officials in North Dakota about the costs that Federal mandates impose. Examples of especially burdensome mandates include cleanup responsibilities under Superfund. The city of Minot is entangled in a wrangle with potentially responsible parties over cleanup costs for old Minot landfill. The Minot landfill, used between 1962 and 1970, is now a Superfund site. The city of Minot has been working to clean up that site since 1986. To date, Minot has spent \$873,000 in order to comply with environmental mandates.

Water testing mandates can also be unreasonable—Sherwood, ND, population 286, must spend \$2,000 annually—half its budget—to test its water supply. Even small communities must have clean drinking water. But they should also have flexibility in abiding by burdensome mandates. And they certainly are entitled to know how burdensome a bill could turn out to be.

#### PRIVATE SECTOR ANALYSIS

Another part of our society that needs notice of and information on costly mandates is the private sector. I am very pleased that the conferees have retained an amendment on this subject that I offered in markup last year. My amendment would require that the CBO analyze mandates on the private sector. The requirement is not as strict as that for analysis of intergovernmental mandates—if CBO cannot reasonably make an estimate of a private sector mandate, the bill would create no point of order—but the argument is the same.

My point in offering this amendment was simply that there is no reason not to analyze costs on the private sector if we do the analysis for the public sector. To pretend we need to have CBO analyze the impact of public sector mandates, while skipping over the private sector, is to violate elementary economics. The private sector is three or four times bigger than the public sector. If we should assess the impact of unfunded mandates on local governments we surely should assess the impact on our Nation's businesses. The

private sector is the foundation on which we build the budgets of the Federal Government and the State and local governments.

I know some of my colleagues are concerned about analyzing private sector mandates. However, the analysis required by my amendment is no great mystery. We already examine the impact of paperwork on the private sector. Federal agencies must calculate the hours required to fill out paper. The Internal Revenue Service performs analysis of tax legislation and possible effects on the private sector. The Joint Tax Committee performs the same function for proposed legislation.

The Office of Management and Budget's Office of Information and Regulatory Affairs has a regulatory review program that oversees the development of all Federal regulations. President Clinton's Executive Order 12866—Regulatory Planning and Review—requires agencies to conduct analysis of costs to the private sector of proposed regulations. The Office of Management and Budget therefore has developed a reservoir of knowledge on the impact of public laws.

Federal agencies have long experience in analyzing the costs to the private sector of relevant legislation and regulation. USDA studies the impacts of laws on our Nation's farmers. The Commerce Department's Bureau of Economic Analysis reviews economic impacts on the private sector. Our trade agencies study the economic impact of trade policies. EPA has calculated that the costs of environmental mandates to the private sector has risen from \$16.2 billion in 1972 to an estimated \$76.1 billion in 1995—constant 1986 dollars.

And the duties that S. 1 would impose on the Congressional Budget Office are not new. The CBO has estimated private sector effects of complicated legislation—NAFTA and two proposed health care reform bills are outstanding examples.

So, Mr. President, the analysis of private sector costs is not rocket science. And this information will be cheap at the price. The CBO has a running start, and can use its knowledge base from existing analyses and models. This conference report authorizes \$4.5 million a year for the CBO for this mandate review analysis work to begin.

I predict that CBO review will pay for itself many times over by enabling the Congress to avoid burdening businesses with ill-considered mandates. I would like to thank the conferees for retaining my private sector amendment in this bill.

#### OTHER AMENDMENTS

Let me also briefly mention two other amendments of mine that the Senate added to this bill. A number of North Dakotans have been particularly irked by the requirement that Federal building projects be built according to metric measurements rather than English ones. This is increasing the cost of medical staff housing being built on an

Indian reservation in my State. Fortunately, the Indian Health Service has now agreed to drop this costly and unworkable requirement, which would have delayed staffing for an Indian hospital.

However, as a policy matter I think we need to suspend this mandate now, study its costs, and decide whether we really need it. I offered an amendment to do that on the floor, and after some discussion the Senate passed that amendment. I am pleased that the conferees have retained that amendment in the conference report.

Lastly, title III of the conference report retains my suggestion that we not set up a new commission to study Federal mandates but rather assign that task to the Advisory Commission on Intergovernmental Relations [ACIR]. ACIR has the knowledge, experience, trust and network to get this study done and do it well. I did not understand why we needed a new commission when this Congress has been working hard to cut boards and commissions. I am glad the conferees have taken my point and have provided that ACIR shall do the studying. I look forward to working with the Senator from Idaho, the Senator from Ohio, and other interested Senators to ensure that the ACIR receives the funding that this bill authorizes for both this fiscal year and next.

Mr. President, let me just conclude by saying that I am pleased that the long unfunded mandates debate has finally come to fruition. I would thank Senators GLENN and KEMPTHORNE for their leadership on this issue, and for their willingness to hear out my concerns with this bill and make changes. I think our consideration of this bill on the floor improved it markedly, and I appreciated the opportunity to help in that effort.

This bill makes a real and positive change in the relationship between the Federal Government and State, local, and tribal governments. I hope the House will pass S. 1 tomorrow, and I look forward to the President's signing this bill very soon.

Mr. LEVIN. Mr. President, I will be voting in opposition to the conference report to S. 1, because the problems I had with the bill as it passed the Senate have not been resolved or abated in the conference report. I had hoped to be able to support legislation this year to address the unfunded mandates problem of State, local, and tribal governments. I was a cosponsor of last year's bill, S. 993, which was wholeheartedly endorsed by all the organizations representing mayors, Governors, State legislators, county officials, and other local elected officials. Last year's bill would have forced Congress to estimate the costs of Federal mandates and authorize appropriations to the level of the estimated costs. In the words of the State and local officials last year, it was a tough, important, meaningful bill.

Having served on the Detroit City Council for many years in the 1970's, I am well aware of the problems and constraints Federal mandates place on local officials. My first Senate campaign in 1978 was based on my desire to make the Federal bureaucrats more sensitive to local concerns. And I know these problems continue and that Congress simply hasn't paid enough attention to the costs we impose on State and local governments. Yet, I did not support S. 1 as it passed the Senate, and I cannot support the conference report.

In some respects, S. 1 simply goes too far; in other respects, it promises more than it can deliver. It goes too far in taking CBO cost estimates and locking them in for at least 5 years as the level at which we are expected to fund State and local governments. While these cost estimates may be useful for us in assessing the costs and benefits of legislating in a particular area, they are far too unreliable to serve as the basis for a mandated level of appropriations. An effort was made to address this concern when Senator BYRD offered an amendment to require agencies to notify Congress when the level of appropriations falls short of the CBO cost estimate. That was an improvement; but it wasn't enough, because absent our enactment of another law in response to that notice, the mandate at issue would expire. S. 1, therefore, ends up requiring that we legislate twice on the very same issues—once when we appropriate at a level less than the estimated cost of the mandate and once again to affirm that prior appropriations amount.

S. 1 is inadequate in that it fails to address what I believe will be the real life concerns of State, local, and tribal governments in the next 10 years as we face scarce Federal resources. The problem won't be so much the number of mandates we place on State and local governments; it will be the fact that we will be pulling out Federal funds and assistance used to address problems that won't go away when the Federal money does. We will be cutting funds for education, the homeless, community development, you name it, and State and local governments will be left to solve the problems with their own resources. S. 1 does not address that situation.

Another problem with S. 1 is the inherent unfairness in the bill's treatment between the public and private sector. S. 1 requires us to overcome a point of order if we don't pay for a Federal intergovernmental mandate, but it doesn't create a similar point of order for private sector mandates. There is a presumption created thereby that we should fund the mandate or not apply it to the public sector. This is particularly troubling when the State, local, or tribal government is acting in the same capacity as a private sector entity. S. 1 could put private entities at a competitive disadvantage relative to State, local, and tribal governments

that operate the same kind of businesses.

S. 1 also has the potential of causing havoc in the legislative process and aiding in the very gridlock we are all so desperate to avoid. It's very important that we require an analysis of the impact of costs on State and local governments and the private sector before a committee reports a bill to the full Senate for consideration. That's what the hearing process is supposed to be about. The public is supposed to let us know just what the consequences of our proposals could be. And, it's very important that the requirement for a cost analysis be enforced by saying that a point of order will lie against a bill that doesn't have that cost analysis. But to go to the next step and say that an often problematical cost estimate will now become the actual cost—that what CBO estimates will be the cost to State and local governments for each year of the authorization, moves from being a cost estimate to an assertion of actual costs and that that level of costs should be funded—that is an unreasonable approach. And the mechanisms used to enforce that approach could cause endless delays and tie up the legislative process.

For these reasons, Mr. President, I will vote against the conference report. I do want to commend, however, Senator GLENN and Senator KEMPTHORNE in their successful effort on this bill. Setting aside our differing opinions on the final outcome, I think these two gentlemen have conducted themselves in a remarkably able fashion with good humor and a strong sense of fairness. I particularly appreciate Senator GLENN's efforts to be responsive to my concerns, and I congratulate him on accomplishing passage of this bill. The State and local officials have a great friend and supporter in the senior Senator from Ohio.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The yeas and nays have been ordered.

The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 104 Leg.]

#### YEAS—91

Abraham	Dole	Inouye
Akaka	Domenici	Jeffords
Ashcroft	Dorgan	Johnston
Baucus	Exon	Kassebaum
Bennett	Faircloth	Kemphorne
Biden	Feingold	Kennedy
Bingaman	Feinstein	Kerrey
Bond	Ford	Kerry
Breaux	Frist	Kohl
Brown	Glenn	Kyl
Bryan	Gorton	Lott
Burns	Graham	Lugar
Campbell	Graham	Mack
Chafee	Grams	McCain
Coats	Grassley	McConnell
Cochran	Gregg	Mikulski
Cohen	Harkin	Moseley-Braun
Conrad	Hatch	Moynihan
Coverdell	Hatfield	Murkowski
Craig	Heflin	Murray
D'Amato	Helms	Nickles
Daschle	Hollings	Nunn
DeWine	Hutchison	Packwood
Dodd	Inhofe	Pell

Pressler	Shelby	Thomas
Pryor	Simon	Thompson
Reid	Simpson	Thurmond
Robb	Smith	Warner
Rockefeller	Snowe	Wellstone
Roth	Specter	
Santorum	Stevens	

#### NAYS—9

Boxer	Byrd	Levin
Bradley	Lautenberg	Lieberman
Bumpers	Leahy	Sarbanes

So the conference report was agreed to.

Mr. GLENN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

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

The motion to lay on the table was agreed to.

#### UNANIMOUS-CONSENT AGREEMENT

Mr. GLENN. Mr. President, I ask unanimous consent that we be permitted time to submit the final report of the Senate Task Force on Funding Disaster Relief, which Senator BOND and I were commissioned to do last year. And I ask that the pending business be set aside so we can present that report.

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

#### SENATE DISASTER RELIEF TASK FORCE REPORT

Mr. GLENN. Mr. President, I am very pleased at this time, along with my friend and colleague from Missouri, Mr. BOND, as cochairs to lay before the Senate the Final Report of the Senate Task Force on Funding Disaster Relief. The task force was established pursuant to a sense-of-the-Senate resolution contained in Public Law 103-211, the emergency supplemental appropriations relief bill for victims of the Northridge, CA, earthquake.

I think I can speak for Senator BOND when I say that our sense of accomplishment in presenting this report is somewhat tempered by events past and present, in that we have just marked the solemn 1-year anniversary of the devastating California earthquake. For all the good that has happened in the past year, thanks to selfless efforts by friends, neighbors, charities and, yes, Government bureaucrats of all stripes, we know that for so many their lives have been irrevocably changed.

We also share the grief and shock of the Japanese people who had a tragedy of their own, the horrendous Kobe earthquake. We know the character of the Japanese people, and given some time and help—and we are glad President Clinton and the able Director of the Federal Emergency Management Agency [FEMA], James Lee Witt, have offered some of our technical expertise—we know the Japanese will soon be on their feet again.

These catastrophes—and need I mention the terribly destructive floods which recently rained down on Califor-

nia—underscore the importance of having an integrated and comprehensive emergency management system, and we are making great progress toward that goal today.

Our task force was commissioned to look at Federal disaster assistance programs, funding and effectiveness, possible program and policy modifications, budgetary and funding options, and the role of State, local, and other service providers.

The report covers a spectrum of issues on how we can best ensure that Federal assistance will always be there when needed and how our disaster response system might be made more efficient and more cost-effective. Given the enormity of this project, Senator BOND and I decided to enlist the resources of congressional entities such as the Congressional Budget Office [CBO], the Library of Congress, and, in particular, the General Accounting Office [GAO], which we tasked to coordinate and take the lead working with our staff on the preparation of this study.

The end product, I believe, is a testament to the professional work and collaboration of all of these different groups and bodies. Many individuals labored long and hard, and we in the Senate owe them a debt of gratitude.

One of the more striking aspects we found was the lack of comprehensive Government-wide data on Federal disaster expenditures. I had thought going in this would be readily available. We found it was not. While most agencies can produce statistics for a particular disaster or annual spending, the number of persons assisted and estimated benefits, these have not been systematically collected across Government—until now.

GAO has totaled up how much we have spent across the board between 1977 through 1993. In doing so, they examined our disaster planning, mitigation response, and recovery programs, and these programs I would like to describe in just a little bit more detail.

Our disaster preparedness and mitigation programs consist chiefly of FEMA grants and assistance for fire suppression, floodplain management, earthquake and hurricane vulnerability; flood control and coastal erosion works under the Army Corps of Engineers; NOAA's severe weather tracking programs; U.S.G.S. earthquake and volcanic reduction programs, and; coastal zone management activities through the Department of Commerce.

In the area of Federal disaster response and recovery programs, we are dealing primarily with FEMA's individual and public assistance grants, temporary housing, community disaster loans, and unemployment benefits; Small Business Administration loans; repairing crucial roadways through the Department of Transportation; aid for the restoration of school facilities by the Department of Education; disaster