

on a variety of matters, ranging from technical drafting points to constitutional issues surrounding this legislation. As always, their counsel was sound, impartial, and imbued with the wisdom and insight of a first-rate legal team. In addition to the gratitude that Senator GRASSLEY and I owe Michael and Claire, I believe the Senate and indeed, the entire Congress, is indebted to them, because their counsel has improved the substance of this legislation so greatly. Michael Davidson and his staff are a great credit to the U.S. Senate.

Finally, I would like to thank Fred Richardson and John Nakahata of my staff for their dedication to enactment of this bill. I know that the Senate's approval of this legislation on January 11 was particularly meaningful to both of them, but for very different reasons. For Fred I know it was a very happy coincidence that final passage of the Congressional Accountability Act came on his birthday, after nearly 2 years of work and countless drafts of the legislation. For John, it is with a mixture of deep personal regret and real happiness for John that I note that the day of final passage for S. 2 was also John's last day of service in the Senate.

While I am very happy to see John advance his career and new challenges at the Federal Communications Commission, it is with deep sadness that I see John leave my staff. John's energy, intellect, and reputation for unfailing professionalism is well known in the Senate, and his departure is a great loss to me and my staff. He will be deeply missed. But I am very pleased that John's final day happened to coincide with passage of this legislation to which he devoted so much time and energy. John's imprint can be found throughout the text of the bill and in the history of its movement through the Senate, and so I hope he leaves the Senate with S. 2 as a memento to his talents, energy, and understanding of the institution, and also with a sense of closure and success on a very complex and important piece of legislation. Thank you, John, for your years of service and your invaluable work on the Congressional Accountability Act.

#### RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I submit for publication in the RECORD a copy of the rules adopted by the Committee on Agriculture, Nutrition, and Forestry on January 12, 1995.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

##### RULES OF THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

###### RULE 1—MEETINGS

1.1 Regular Meetings. Regular meetings shall be held on the first and third Wednesday's of each month when Congress is in session.

1.2 Additional Meetings. The Chairman, in consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

1.3 Notification. In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.4 Called Meeting. If three members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings. The Chairman of the Committee or a subcommittee shall be empowered to adjourn any meeting of the Committee or a subcommittee if a quorum is not present within fifteen minutes of the time scheduled for such meeting.

###### RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions. Business meetings and hearings held by the Committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts. A transcript shall be kept of each business meeting and hearing of the Committee or any subcommittee unless a majority of the Committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports. An appropriate opportunity shall be given the Minority to examine the proposed text of Committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance. (a) Meetings. Official attendance of all markups and executive sessions of the Committee shall be kept by the Committee Clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee Clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the Committee Chairman and Ranking Minority Member, in the case of Committee hearings, and by the subcommittee Chairman and Ranking Minority Member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

###### RULE 3—HEARING PROCEDURES

3.1 Notice. Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee or any subcommittee at least one week in advance of such hearing unless the Chairman of the full Committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the Committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements. Each witness who is to appear before the Committee or any subcommittee shall file with the Committee or subcommittee, at least 24 hours in ad-

vance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the Committee or subcommittee prescribes.

3.3 Minority Witnesses. In any hearing conducted by the Committee, or any subcommittee thereof, the minority members of the Committee or subcommittee shall be entitled, upon request to the Chairman by the Ranking Minority Member of the Committee or subcommittee to call witnesses of their selection during at least one day of such hearing pertaining to the matter or matters heard by the Committee or subcommittee.

3.4 Swearing in of Witnesses. Witnesses in Committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking Minority Member of the Committee or subcommittee deems such to be necessary.

3.5 Limitation. Each member shall be limited to five minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

###### RULE 4—NOMINATIONS

4.1 Assignment. All nominations shall be considered by the full Committee.

4.2 Standards. In considering a nomination, the Committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information. Each nominee shall submit in response to questions prepared by the Committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the Committee.

Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the Committee.

4.4 Hearings. The Committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a pre-hearing questionnaire submitted by the Committee.

4.5 Action on confirmation. A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the Ranking Minority Member, may waive this requirement.

###### RULE 5—QUORUMS

5.1 Testimony. For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the Committee and each subcommittee thereof shall consist of one member.

5.2 Business. A quorum for the transaction of Committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the Committee or subcommittee, including at least one member from each party.

5.3 Reporting. A majority of the membership of the Committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the Committee unless a

majority of the Committee members are physically present. The vote of the Committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

#### RULE 6—VOTING

6.1 Roll calls. A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies. Voting by proxy as authorized by the Senate Rules for specific bills or subjects shall be allowed whenever a quorum of the Committee is actually present.

6.3 Polling. The Committee may poll any matters of Committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and

(2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

#### RULE 7—SUBCOMMITTEES

7.1 Assignments. To assure the equitable assignment of members to subcommittees, no member of the Committee will receive assignment to a second subcommittee until, in order of seniority, all members of the Committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance. Any member of the Committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members. The Chairman and Ranking Minority Member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and Ranking Minority Member may not be counted toward a quorum.

7.4 Scheduling. No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full Committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge. Should a subcommittee fail to report back to the full Committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full Committee for further disposition. The full Committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees. The proceedings of each subcommittee shall be governed by the rules of the full Committee, subject to such authorizations or limitations as the Committee may from time to time prescribe.

#### RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations. Any investigation undertaken by the Committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the Committee voting for approval to conduct such investigation at a business meeting of the Committee convened in accordance with Rule 1.

8.2 Subpoenas. The Chairman, with the approval of the Ranking Minority Member of

the Committee, is delegated the authority to subpoena the attendance of witnesses or the production of memorandum, documents, records, or any other materials at a hearing of the Committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the Ranking Minority Member when the Chairman has not received notification from the Ranking Minority Member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the Ranking Minority Member as provided in this paragraph the subpoena may be authorized by vote of the members of the Committee. When the Committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the Committee designated by the Chairman.

8.3 Notice for taking depositions. Notices for the taking of depositions, in an investigation authorized by the Committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

8.4 Procedure for taking depositions. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the Committee Clerk.

#### RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the Committee as long as any witnesses who may be affected by the change in rules are provided with them.

### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

### UNFUNDED MANDATE REFORM ACT

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1) to curb the practice of imposing unfunded Federal mandates on States and local governments; to strengthen the partnership between the Federal Government and State, local and tribal governments; to end the imposition, in the absence

of full consideration by Congress, of Federal mandates on State, local, and tribal governments without adequate funding, in a manner that may displace other essential governmental priorities; and to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Committee amendment on page 15, line 6.

The PRESIDING OFFICER. The pending question is the committee amendment on page 15, line 6.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Thank you very much, Mr. President.

Mr. President, we have begun a good discussion on S. 1, a bill that is designed to realign federalism so that our State and local partners realize that they are indeed partners and not special interest groups that are out there. It also pays attention to the private sector so that we will know as a decisionmaking body the cost and the impact of these mandates before we vote to impose them. Of course, it provides for a waiver so that if we choose to take some altered course we may do so.

It enhances our decisionmaking ability. As a result of many hours of discussion yesterday where we talked about this, a number of Senators were able to address some of their points and the support that they have for this bill. Some raised concerns of specific aspects of that bill. But as a result of that, we realize that reporters all across America are beginning to truly focus on this issue by calling the city halls and county courthouses and the school districts in their regions. And they are asking the mayors and the county commissioners, "What about these unfunded mandates? Is this truly a problem and can you give us some examples?" So the stories are starting to come forward of what these unfunded Federal mandates are, which are hidden Federal taxes.

In today's USA Today, for example, is a good story talking about Columbus, OH, and the unfunded Federal mandates. Really Columbus, OH, is one of those cities—Mayor Gregory Lashutka is not only an effective mayor but a good friend of mine—one of the first cities to document these unfunded Federal mandates. It has become a good source of information for many of us.

I received in the mail, also, Mr. President, a letter. Because we talked about the cities, the counties, and the States, we referenced the schools. But I think this helps make the point about the impact on the schools.

This is a letter from James B. Appleberry, president of the American Association of State Colleges and Universities, and C. Peter Magrath, president, National Association of State