

AMENDMENTS SUBMITTED

THE UNFUNDED MANDATE
REFORM ACT OF 1995DORGAN (AND OTHERS)
AMENDMENT NO. 18

Mr. DORGAN (for himself, Mr. GRAHAM, Mr. LEVIN, Mr. AKAKA, Mr. KEMPTHORNE, and Mr. BYRD) proposed an amendment 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; as follows:

On page 39, strike out lines 4 through 11 and insert in lieu thereof the following:

SEC. 301. BASELINE STUDY OF COSTS AND BENEFITS.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Advisory Commission on Intergovernmental Relations (hereafter in this title referred to as the "Advisory Commission"), in consultation with the Director, shall begin a study to examine the measurement and definition issues involved in calculating the total costs and benefits to State, local, and tribal governments of compliance with Federal law.

(b) CONSIDERATIONS.—The study required by this section shall consider—

(1) the feasibility of measuring indirect costs and benefits as well as direct costs and benefits of the Federal, State, local, and tribal relationship; and

(2) how to measure both the direct and indirect benefits of Federal financial assistance and tax benefits to State, local, and tribal governments.

SEC. 302. REPORT ON UNFUNDED FEDERAL MANDATES BY ADVISORY COMMISSION ON INTERGOVERNMENTAL RELATIONS.

(a) IN GENERAL.—The Advisory Commission on Intergovernmental Relations shall in accordance with this section—

On page 43, beginning with line 1, strike out all through line 17 on page 49 and insert in lieu thereof the following:

SEC. 303. MONITORING IMPLEMENTATION.

(a) IN GENERAL.—The Advisory Commission shall monitor and evaluate the implementation of this Act, including by conducting such hearings, and consulting with such Federal, State, local, and tribal governments, as the Advisory Commission considers appropriate for obtaining information and views about the purpose, implementation, and results of this Act.

(b) BIENNIAL REPORT.—The Advisory Commission shall submit a report to the President and the Congress every 2 years which—

(1) presents the findings of the Advisory Commission under subsection (a); and

(2) presents recommendations for improving the implementation of this Act, including regarding any need for amending this Act.

SEC. 304. SPECIAL AUTHORITIES OF ADVISORY COMMISSION.

(a) EXPERTS AND CONSULTANTS.—For purposes of carrying out this title, the Advisory Commission may procure temporary and intermittent services of experts or consultants under section 3109(b) of title 5, United States Code.

(b) DETAIL OF STAFF OF FEDERAL AGENCIES.—Upon request of the Executive Director of the Advisory Commission, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Advisory Commission to assist it in carrying out this title.

(c) CONTRACT AUTHORITY.—The advisory Commission may, subject to appropriations, contract with and compensate government and private persons (including agencies) for property and services used to carry out its duties under this title.

SEC. 305. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Advisory Commission—

(1) to carry out section 301, \$1,000,000 for each of fiscal years 1995 and 1996;

(2) to carry out section 302, \$5,000,000; and

(3) to carry out section 303, \$200,000 for each of fiscal years 1995, 1996, 1997, 1998, and 1999.

KEMPTHORNE AMENDMENT NO. 19

Mr. KEMPTHORNE (for himself, Mr. COCHRAN, and Mr. LEVIN) proposed an amendment to the bill S. 1, supra; as follows:

On page 15, line 12 after "nesses" insert the following: "including a description of the actions if any, taken by the Committee to avoid any adverse impact on the private sector or the competitive balance between the public sector and the private sector."

ADDITIONAL STATEMENTS

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD at this point.)

THE DEATH OF JAMES T. FLEMING

• Mr. JOHNSTON. Mr. President, I rise today to express my deep sorrow at the death of James T. Fleming, one of the most talented and professional individuals to ever work in the Congress, and one of the finest gentlemen I have ever had the pleasure of knowing.

For the past 20 years, Jim Fleming served as administrative assistant for the senior Senator from Kentucky, the Honorable WENDELL H. FORD. He also served as counsel to Senator FORD on the vast array of legislative matters under the jurisdiction of the Committee on Energy and Natural Resources. It was in this capacity that the committee members and staff came to know Jim and to appreciate his wry sense of humor, his great personality, his warmth, and his enormous expertise.

Jim's contributions were invariably grounded in good common sense, a keen understanding of good government, and a realistic point of view. He was absolutely dedicated to working for the people of Kentucky and Senator FORD's agenda.

Much of the legislation written by the Energy Committee reflects Jim Fleming's influence, including natural gas policy, the Nation's coal program, the uranium enrichment program, and natural resource protection and utilization.

Mr. President, the future meetings of the committee will not quite be the same without Jim Fleming there to offer his unique expertise. I fondly recall that as past committee deliberations would proceed with senatorial formality, Jim Fleming could be counted on to listen with a poker face, weigh all options, and then with a profound wit and twinkle in his eye, offer a perspective that would be both illuminating and constructive.

Jim Fleming will be sorely missed. In the words of the former Speaker of the House, the Honorable Thomas "Tip" O'Neill,—"So long, old pal. So long."•

ORDERS FOR TUESDAY, JANUARY 17, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of the 9:15 a.m., on Tuesday, January 17, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day.

I further ask consent that there be a period for the transaction of routine morning business not to extend beyond the hour of 9:30 a.m., with Senators permitted to speak for not more than 5 minutes each.

I further ask that at 9:30 a.m. the Senate resume consideration of S. 1, the unfunded mandates bill.

I finally ask that on Tuesday the Senate stand in recess from 12:30 until 2:15 in order for the weekly party luncheons to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, I just say for the information of my colleagues that it could be that votes could occur before the 12:30 luncheons on Tuesday. Members should be alert that we will start on S. 1 at 9:30. We will have amendments, hopefully, at 9:30. We have had enough delay on this bill. We, in effect, wasted yesterday and wasted today. We do have an interest in getting this legislation passed. It is very important.

I agree with the distinguished Senator from West Virginia, Senator BYRD, there are a lot of questions about the bill. Hopefully, we can start the debate on the bill, start off with the amendments so that many of the questions that my colleague from West Virginia and other Senators may have will be answered.

There are a number of very important amendments on each side of the aisle that are germane that should be

discussed, should be debated. We have to start the process.

I would suggest that probably, at least on Wednesday and Thursday, if we do not complete the bill by Thursday evening, we will probably be in late, say, on Wednesday and maybe Thursday of next week and probably have a pretty good day on Friday unless we can complete action on the legislation.

I just ask my colleagues for their cooperation. As leader, I do not want useless votes. Somebody misses a vote, we do not want those kind of votes. We want meaningful votes on substantive issues and substantive amendments and we will try to proceed on that basis. As long as we have the cooperation of our colleagues we will continue that process.

RECESS UNTIL TUESDAY,
JANUARY 17, AT 9:15 A.M.

Mr. DOLE. Mr. President, if there is no further business to come before the Senate and no other Senator seeking recognition, I now ask consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 4:46 p.m., recessed until Tuesday, January 17, 1995, at 9:15 a.m.