Friday. If we can obtain cloture tomorrow, maybe we can work that out with the Democratic leader, Senator DASCHLE.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

The distinguished Senator from Oklahoma is recognized to speak for up to 10 minutes.

Mr. INHOFE. Thank you, Mr. President.

UNFUNDED MANDATES

Mr. INHOFE. Mr. President, I was listening intently as the majority leader expressed a concern over the lack of progress that we are making; and certainly we are not making progress.

I also listened intently yesterday to the very distinguished Senator from West Virginia, as he quoted history and he quoted many of our Founding Fathers, concerning the subject at hand of unfunded mandates.

I have felt that unfunded mandates are the product of an assertive, greedy Government that has arrogantly injected itself into the dictatorial position that was feared most by our Founding Fathers.

And, you know, we deal with these subjects as if they are contemporary subjects, Mr. President, and they are not. Because in all of these subjects that we have been discussing that might be associated with the Contract With America, but certainly those things that 70 to 80 percent of the Americans want, our Founding Fathers dealt with these issues. They dealt with term limitations. It was their intent to have a citizens legislature for people to have to live under the laws that we passed. And, of course, we discussed that under the accountability bill, and such things as the budget balancing amendment.

It was Thomas Jefferson who came back and said:

> If I could have made one improvement in the Constitution, it would have been to severely limit the abilities of our Government to incur debt.

And now we are looking at unfunded mandates, which, I think, at the crux of unfunded mandates is the 10th amendment to the Constitution. Certainly, James Madison was very eloquent in his discussion of the 10th amendment.

Just so that I do not misquote it, I will read it. The 10th amendment provides that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectfully, or to the people.

When you stop and remember what our Founding Fathers came over here to escape, it was, in fact, tyranny. So many of the problems that we are looking at in a contemporary way were addressed in the past.

I remember so well, if you think back in the history of this country, as was discussed by the distinguished Senator from West Virginia yesterday, we remember that here we were, a handful of farmers and trappers over here, and we took on the greatest army on the face of this Earth, knowing that we were signing our own death warrants to do so, but knowing it was worth it to escape tyranny. That was what it was all about when that tall redhead stood in the House of Burgesses and said:

> We are not weak if we make a proper use of those means which the God of Nature has placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Patrick Henry was saying that we are escaping the tyranny that we left behind in a foreign country.

Now, where have we come today? Right back to that same tyranny. And while it is not a contemporary debate, it is now being debated contemporarily.

I think if you look around and you see of all of those items in the Contract With America, this is the one that transcends all ideological lines. It transcends all party lines and interests. This is something that all of the American people are for.

I listened to the Senator from California [Mrs. FEINSTEIN], I believe it was a couple of days ago, and she said it so well about what happened out in San Francisco back when she was the mayor. And while Mrs. FEINSTEIN and I—perhaps there are no two Senators further apart ideologically. We certainly agree we have one thing in common in our backgrounds. We were both mayors of major cities in America at the same time. In fact, Mr. President, we were on the board of directors of the U.S. Congress of Mayors at the same time. No one is going to say, by any interpretation, the U.S. Conference of Mayors is a conservative operation.

Yet, what was our major concern 15 years ago, when Mrs. FEINSTEIN and I were both mayors of major cities? It was unfunded mandates. If fellow Senators will talk to any of the municipal leagues around America and ask them what is the major problem they are facing in their towns, as well as their cities and States, they will not say crime, they will not say welfare; they will say it is unfunded mandates.

We wonder how we got in this situation. It reminds me a little of the two skeletons in the closet. One rattled to the other and said, ''How did we get in here?'' And the other said, ''I don't know. If we had any guts, we would get out.'' I think it is time to get out. I think we got in because of the propensity of Members of Congress to, in hopes of getting people something and not having the money to pay for it, find a way to do it, and that is to force somebody else to pay for it. That is exactly what is happening.

If we look around—I can take you to the State of Oklahoma, in Oklahoma City alone. Keep in mind, in our infinite wisdom, we passed all these bills. In Oklahoma City, in order to comply with the Clean Water Act, the conservative estimate is $3 million for that city; to comply with the transportation regulations, and these were the reflective road signs, the metric conversions, and those things, that would be $2 million over a 5-year period; land use regulations, landfills, recycling, $2.5 million; the Clean Water Act, they cannot proximate it, but it is well over $2 million.

Go to a smaller town or city, such as Broken Arrow, OK: Clean Water Act, storm water regulations, $100,000. A person may say, what is that? In Broken Arrow, OK, that is a lot. They are going to have to give up a police officer to comply with that mandate that came from the Federal Government. Waste water treatment regulations, $125,000. Safe drinking water regulations, $40,000. EPA regulations, solid waste, $32,000. Fair Labor Standards Act, $30,000.

In my city of Tulsa, I checked and brought up to date the figures that were there back when I was mayor of Tulsa, the Clean Water Act, $10 million; Safe Drinking Water Act, $16 million; solid waste regulations $700,000; lead-based paint, $1 million. It goes on and on and on. I just listed $35 million worth of mandates that are imposed upon three cities in the State of Oklahoma.

Now, those are direct costs. We get into indirect costs when we look at other laws that were passed. The Davis-Bacon Act—when I was elected mayor of the city of Tulsa, we had to make some additions. What do we do about our capital improvements, because they are in dire need; we were rotting out from within. So I had to go out on the line, and for a conservative to do this, it was a very difficult thing, Mr. President. But I passed a 1-cent sales tax increase for capital improvements; and it passed.

In order to do this, we calculated, by having to comply with the Davis-Bacon Act, how much more it costs the taxpayers of this city of Tulsa, OK. What could we have done without the Davis-Bacon Act: 17 percent more in capital improvements, 6 more miles of roads and streets, 34 more miles of water and sewer lines, and we could have hired 500 more people.

I read in the Reader's Digest just the other day something I will share with Members. In Philadelphia, for example—and this is in December's Reader's Digest—electricians must be paid $37.97 an hour on Davis-Bacon projects, while private contractors pay an average of $15.76. In Oakland, carpenters get $28 an hour on federally funded projects, and they work for $15 an hour in the private sector. Many are paying the

price indirectly, and paying dearly, for the price of the mandates.

I replaced a very distinguished former Senator, David Boren, when I was elected to the U.S. Senate this past year. David Boren—he is a Democrat and I am a Republican—was and is today one of my closest friends. I can remember in 1966, Mr. President, we were elected to the State legislature. We came up here, and three of us became very intimate friends: David Boren, myself, and a guy named Ralph Thompson, who is now a Federal judge, whose name has been mentioned very prominently as someone who might be a member of the U.S. Supreme Court someday.

We came up in 1967, almost 30 years ago. What was our mission? On the first trip when we came to Washington, the mission was to protest the mandates of Lady Bird's Highway Beautification Act of 1965.

Lastly—I do not want to go over my time, and I am afraid I am approaching that now—I will say what will happen if we do not do it. What is going to happen if we do not pass this bill that everyone, virtually everyone, in America is for? If we do not do it, it will be done for us. Just to the south of the State of the Senator from Colorado, in New Mexico, in Catron County, in frustration with dealing with the U.S. Forest Service, they enacted the U.S. Constitution as a county ordinance and put the Federal Forest Service on notice to show up at the county supervisors meeting to get permission to impose mandates.

Recently, in Walter Williams' column, he talks about the fact that California has joined Colorado, Missouri, Hawaii, and Illinois in asserting 10th amendment rights demanding that the Federal Government cease and desist all mandates and interferences exceeding those delegated by the Constitution. Similar resolutions have been passed in 12 other States.

Mr. President, that is a total of 17 States. Just nine more States, and that will be a majority of those States. So I will conclude, and say that this is something that we will have to start discussing in a serious vein and actually bringing to a vote. I cannot think of anything that is more significant that we will be dealing with than this issue.

As the Reverend Mark Dever said in his prayer, opening the session today, we want unity of purpose for which we are elected. Without overly dramatizing, I would say we must free our States and counties from the bondage to which they have been subverted.

Thank you, Mr. President.

Mr. CAMPBELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Colorado.

Mr. CAMPBELL. Mr. President, before I make comments, I would like to associate myself with the comments of my friend, the Senator from Oklahoma, with whom I have had the privilege of serving for the last 8 years here in the U.S. Capitol.

He brings out certainly another example, and we have heard one after another, about the punitive action of the Federal Government in forcing States to comply with unfunded mandates.

Mr. President, I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 234 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Wyoming is recognized to speak for up to 10 minutes.

BALANCED BUDGET AMENDMENT

Mr. THOMAS. Mr. President, I would like to comment this morning on an issue that I think is important to us and to this country, and that is the balanced budget amendment. Although we have been discussing over the past several days the unfunded mandates bill, the question of a balanced budget has come up. There is a relationship, and I understand the relationship.

Certainly, if I were a local government official and we were talking about a balanced budget amendment I would want the protection of an unfunded mandate bill so that the Federal Government would not shift the responsibility of payment to local government.

But the balanced budget amendment goes beyond that, it seems to me. It is one of the fundamental changes that needs to take place in the Federal Government so that decisions in the future will be different. If we are really talking about change, some of the procedural changes that are being discussed now need to happen and they need to happen soon.

We have already done the accountability of the Congress. That is excellent. There is no reason why the people here should not live under the same rules that they apply to others. We need a balanced budget amendment to give us some discipline for fiscal responsibility. We need to do that. We need to have a line-item veto. I have had some experience in the House where you have an item that simply does not belong in a bill. It is in the highway bill and it is a museum for Lawrence Welk, but you cannot touch it because the rules do not allow for that to happen. So you need a line-item veto.

We need term limitations. These are the kinds of fundamental changes, but I want to talk today about the balanced budget amendment.

It has to do with shaping the form of the Federal Government over a period of time. It has to do with the question of whether we will have fiscal responsibility or whether we do not. There has been a good deal of dissent on an issue which most people say they are for, and now we find an increasing number of people who begin to find reasons why they are not for it.

The local Hill paper says: "Balanced Budget Amendment Is a Charade."

I do not believe that. I think that is wrong. Let me talk about some of the issues.

First of all, it is a fundamental question and the question should be divided. The question is: Do you think it is fiscally or morally irresponsible to spend more than you take in? Do you think it is fiscally irresponsible to spend more than you take in? Is it morally irresponsible to shift the debt to our children, grandchildren and their children?

The answer is, yes, of course it is fiscally irresponsible; of course, it is morally irresponsible. That is the basic question. The answer is not, "Yes, it is irresponsible if it doesn't hurt too much," or, "Yes, I would like to do it if it doesn't pinch us a little bit."

The answer is, "Yes, it is irresponsible to continue to do what we have been doing for 40 years." That is the first question.

The second question then is how do you do it? The second question is, over a period of time, how do you do it? It does not matter to me particularly whether it takes 5 years or 7 years or 10 years, if we are on a glide path that holds us toward a balanced budget.

The second one we hear constantly is we do not need an amendment. We now have all the tools that are necessary to do it. The fact is, evidence does not support that. We have not had a balanced budget for 25 years. I think we have had two in 50 years. There is not evidence that this Congress can balance the budget, is willing to balance the budget or does balance the budget and, indeed, we need some discipline to cause that to happen. Talking about it does not cause it to happen.

The Director of OMB on the TV said, "Well, we have all the tools we need." Maybe so, but tell me how well it has worked. It has not worked. So we do need some discipline. We need some discipline to cause the Members of Congress to balance the budget.

Should it have more discussion? I heard the other day, someone said, "Well, it needs to be discussed." It has been discussed for at least 10 years. We voted on it several times. We voted on it in the House; we voted on it in the Senate. It is not a puzzle. It is not a difficult one to decide on the basic issue of whether a Government should be responsible enough to not spend more than it takes in. We have had lots of discussion.

Some say it is a gimmick. Some say it is bumper-sticker politics. Let me tell you something, it works in 48 States. I served in the Wyoming legislature. It works there. We have a constitutional provision that you cannot spend more than you take in. It works. There is no question about whether it works. It is not a gimmick. It provides the kind of discipline to force the