

budget line of the NEA is spitefully reduced to zero.

[From the Boston Globe, Dec. 17, 1994]

AMERICA'S ART AND SOUL

Conservatives looking for Government fat to trim say they can't wait to take a cleaver to the National Endowment for the Arts—That naughty, left-wing frill in the federal budget. They should look and think before they chop, because the NEA is hardly a luxury. It's American bedrock, as solid as the summer concerts on the town green, or dance programs at the local high school, or the puppet shows at the community center.

While the NEA has hit the headlines for controversies, most notably the funding for photographer Robert Mapplethorpe, the endowment's primary business is supporting family-oriented entertainment, about which it has received little publicity since it was founded in 1965.

In Boston the NEA money goes to such places as the Handel and Haydn Society, the Berklee College of Music, the Huntington Theater Company, the Boston Ballet, the Chinese Culture Institute, the Boston Center for the Arts and Boston Dance Umbrella, to name a few. The list reflects a national portrait of community involvement and grassroots culture that is as vital to a country's strength as the defense budget or a jobs program.

The NEA's budget is \$167 million—approximately 65 cents for every American. This investment provides 5,000 grants, which put up seed money to be matched by local funding. It also stimulates the economy, for the arts put 3.2 million people to work and provide \$3.4 billion in federal income taxes. According to the NEA one study showed that the arts generated \$37 billion to local businesses around the country.

A wise investment, not only for the psyche but also for the bottom line. Members of Congress eager to wield the axe should consider the real work and economics of the NEA rather than the aberrations that have made news. Since 1965 it has provided 11,000 individual artists with fellowships—42 Pulitzer Prize winners, 47 MacArthur grant recipients and 28 National Book Awards authors. The grants came to people as they were struggling to create their art. A country that fails to encourage this loses its genius and its soul.

Mr. PELL. Mr. President, I fully understand that many Americans are troubled when they hear of works distasteful to them that are funded in part with their tax dollars. Nevertheless, while the Endowment has awarded well over 100,000 grants, fewer than 40 have resulted in any controversy whatsoever—a success rate of 99.96 percent. Over the last year Chairman Jane Alexander has instituted a series of most valuable changes in the agency's procedures. The agency will no longer accept applications from organizations, other than the State arts councils, which subgrant Endowment funds out to other projects. In addition, the Endowment will now require that progress reports be submitted before the release of the final third of a grant award. Permission from the agency will be necessary before a grantee can modify its activities from those approved by the Endowment. These changes give the chairman greater oversight over Endowment grants and I believe they will go a long way toward addressing the concerns of many of our citizens.

Chairman Jane Alexander has increased the Endowment's focus on rural communities and the inner cities. The Underserved Communities Program grants \$8.7 million specifically to broaden public access to the arts. Even the very limited funds appropriated for the Endowment help keep ticket prices reasonable, thus enabling lower income citizens, young people, the elderly, and the disabled to gain access to our common culture.

Nothing could be further from the truth than the suggestion that support for the arts provided by the National Endowment constitutes a subsidy for the wealthy. One of the primary missions of the Arts Endowment has been to encourage the spread of American culture beyond those individuals, communities, and regions affluent enough to afford it on their own. Uncharacteristically among Federal programs, Endowment dollars multiply and foster national support for the arts. Yearly Endowment grants draw matching grants of approximately \$1.4 billion from private, State, and local patrons. Thus, before the National Endowment for the Arts came into existence, there were only 22 professional theaters in the entire country and 1 million people attended each year. Today, our Nation boasts 420 and 55 million attend. There were 58 orchestras before the agency, today, there are over a 1,000. Fifteen million more Americans attend symphony performances each year.

I think it is rather unfair to our citizens for some individuals to assert that only wealthy Americans are interested in the development of the arts. I firmly believe and the evidence supports the fact that Americans from every walk of life, from every economic level, strongly desire and seek access to cultural events in their communities for themselves and for their children. The National Endowment for the Arts is a testament to the continuing development of our unique culture, to our enduring faith in our own creativity and to our world leadership in artistic achievement.

From an economic point of view, the dollars sent by the Arts Endowment to communities around the Nation have been an extraordinarily successful investment. For every dollar the Endowment invests, there is created a tenfold return in jobs, services, and contracts. The arts fostered by the National Endowment encourage national and international tourism, attract and retain businesses in our communities, stimulate real estate development, increase production of exportable copyrighted materials and contribute to the tax base. Governors and mayors from around the country can attest to the manner in which Endowment-supported projects have breathed new life into the downtown areas of their towns and cities. New businesses and tourists congregate in those areas which have a developed cultural life. San Antonio, TX; Cleveland, OH; Greenville, MS;

Oklahoma City, OK; and Birmingham, AL are among the cities whose studies have shown the enormous economic contribution of the arts.

Mr. President, every parent knows that the arts are crucial in our school curricula because they teach young people creativity, increase self-discipline, and are a critical means of passing on an understanding of American culture and civilization to the next generation. Study of even a single artistic discipline is of immense value to a child, who may go on to become an avid amateur or patron. Last year, the Arts in Education Program distributed millions of dollars in partnership grants to the States to pay for artist residencies in schools and art teacher training.

I am most gratified that Chairman KASSEBAUM and Chairman JEFFORDS will be holding hearings over the next few weeks on authorization of the Endowments. I urge my colleagues on both sides of the aisle to share with those of us on the committee their concerns and ideas so that we can work together to shape the Endowment's future role in our society as effectively as possible. This tiny investment in our Nation's culture makes a statement to ourselves and to the world that we view the development of American culture and its availability to our citizens as of significant importance. We must not become the only Western industrialized nation to declare that our Government cares nothing for the development of our culture. National support for the arts fosters the creation of community—locally and on the national level. Regardless of our differences of wealth, race, religion, and political belief, our cultural development binds us together, develops our character as Americans, and establishes our common heritage. As President John F. Kennedy once said:

Art and the encouragement of art is political in the most profound sense, not as a weapon in the struggle, but as an instrument of understanding the futility of the struggle between those who share man's faith. Aeschylus and Plato are remembered today long after the triumphs of imperial Athens are gone. I am certain that after the dust of centuries has passed over our cities, we too will be remembered not for victories or defeats in battle or politics, but for our contributions to the human spirit.

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 resume consideration of S. 1, which the clerk will report.

The 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.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I look forward to the beginning of this week and beginning debate on S. 1, our efforts to curb these unfunded Federal mandates.

I have comments I would like to make which give an overview of the bill itself, what an unfunded mandate is, a couple of examples, why we are now on our sixth day of debate, what has transpired to this point, and what is the likelihood as we proceed.

Mr. President, because the Senator from Oregon has a time constraint, I would like to yield so the Senator from Oregon could make his comments on S. 1 and following that then I would like to give the overview of this legislation. I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President. I am speaking today as a supporter and original cosponsor of the Unfunded Mandate Reform Act of 1995. I feel very strongly that this legislation before us strikes a balance between the Federal Government's responsibilities: First, to acknowledge the burden that unfunded mandates have on State and local governments, and, second, to ensure the rights of all persons contained in the U.S. Constitution are protected.

The Federal Government has imposed over 170 unfunded laws on State and local governments which have resulted in thousands of unfunded Federal regulations. The Federal Government has not viewed itself as dependent on State and local governments in the past two decades.

I want to underscore that point, Mr. President, because we have been talking about dollar obligations that are involved in these unfunded mandates. But much of that is because of the thousands of regulations that follow these mandates. In fact, it has been estimated that perhaps as much as \$500 billion is expended each year to administer at the Federal, State, and local levels mandates initiated and adopted by the Federal Government.

The major policies of the Federal Government have reflected a Washington D.C.-based arrogance; "we"—"we" the Federal legislators and "we" the bureaucrats—know best how to solve the problems of the country. In many respects, the Federal Government has overstepped its bounds in its relationship with State and local gov-

ernments, and the intergovernmental system has ceased to function. This problem became very clear over the recent debate over health care. Washington believed it could prescribe a solution with a single piece of legislation. This approach was not the answer to health care problems and it is not the answer to any issue that requires intergovernmental cooperation.

I have received numerous letters from national organizations praising this legislation for making the decisionmaking process for future Federal proposals and regulations more open, accountable, and informed. The number of letters and the diversity of groups which have written in support of this legislation speak to its importance to our Nation.

More importantly, this national support is joined by hundreds of letters of endorsement from local governments throughout the State of Oregon. In the past few years, officials from local governments have written to me about the problems that unfunded mandates pose for Oregon communities. While the letters ask for support of mandate relief, they also note the need for Congress to make more informed decisions related to mandates for State and local governments. The Unfunded Mandate Reform Act of 1995 addresses both of those issues.

My support for this legislation does not mean I will turn my back on my responsibility to uphold the Constitution to ensure all persons are treated equally in this country or protected from health and safety risks, and, of course, civil rights. We must not forget what good the Congress has done for people throughout history, including passing civil rights laws, voting rights laws, and ensuring the rights of the disabled through the Americans With Disabilities Act. Some—and I would say probably most—may view these bills as unfunded mandates, technically. I view them as the Federal Government playing its proper role in ensuring persons that their rights, their constitutional rights and their civil rights, as guaranteed under the Constitution prevail.

We must also remember that the same Federal Government which has mandated certain actions in the past, is also ready to help citizens who have suffered enormous losses in the recent flooding in the State of California and earthquakes in California. It was not so long ago that my State was hit with an earthquake which caused severe damage—and that same Federal Government provided relief and assistance to literally thousands of people in need. The Federal Government does have an important role to play in this country, and we should not dismiss it lightly.

Mr. President, while the Unfunded Mandate Reform Act looks into the future at new unfunded mandates, it does not look back at the current regulatory burdens that are imposed on State and local governments in ad-

ressing the needs of their citizens. We must look back as well as forward, and that is why I introduced S. 88, the Local Empowerment and Flexibility Act of 1995, on the first day of this Congress. The need to provide flexibility to local and State governments is enormous, and that is why I submit S. 88 as an amendment to the unfunded mandates bill before us.

AMENDMENT NO. 181

(Purpose: To increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans)

Mr. HATFIELD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Oregon [Mr. HATFIELD] proposes an amendment numbered 181.

Mr. HATFIELD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. HATFIELD. Mr. President, the Local Empowerment and Flexibility Act is designed to create a new spirit of cooperation among Federal, State, and local governments. It is important to remember that the solution to the problems in our intergovernmental system is a recognition that all of our bodies of government—Federal, State, local, and school districts—are interdependent. Each part of our system brings special talents, special skills, and special needs to the service of the people of the United States. It is time to transform the Federal-State-local relationship. This transformation must build on the strengths of all of the different governments in our country and must be based on trust, cooperation, and flexibility.

The Local Empowerment and Flexibility Act will lead to strategic and realistic decentralization and deconcentration of power throughout the Government. The idea behind this legislation has four key aspects.

First, different governments of this Nation have different strengths. The Federal Government does two things well: Effectively establishing broad goals that tie us together as a Nation; and achieving certain economies of scale which cannot be attained at the local level. The Federal Government often forgets that local governments bring a great deal of resources to the table. Perhaps the greatest strength is that States and local governments are innovators. Local and State governments have demonstrated again and again that they find the most creative ways to tackle problems in solutions

that fit the local context. This legislation recognizes the fundamental interdependence of governments and builds on the strengths of all governments that deliver services.

I might note that many of our national laws that we feel today perhaps even originated at the national level did not do so. They were tried. They were experimented with. They were created by local governments at the State level, particularly Social Security, unemployment compensation, industrial accident compensation, and civil rights. Many of these things were tried at the local level as part of the creative nature of our federalism, our whole idea of federalism.

Second, the Local Empowerment and Flexibility Act will not only permit variation in how local governments meet national goals, but will encourage solutions that best fit the local context. Federal laws and regulations have tended to treat every area of the country the same. Universal requirements force Congress to legislate to the lowest common denominator, and consequently, few governments perform to their full capability.

We are penalizing the progressive States like my own State in order to find that common denominator. We all strive to meet the average instead of to excel. Politically, socially, structurally, local and State governments are very different from one another. Why should the Federal Government declare that citizens in Oregon have the same needs as people in Florida, Kansas, or Maine? Adding flexibility to the Federal-State relationship will encourage local governments to find solutions that fit the local context. In addition, providing flexibility will eliminate regulations that force local governments to solve problems that they do not have.

Third, this legislation will create a new system of accountability. Currently, the Federal Government holds State and local governments accountable through regulation, procedures, and paperwork. The existing accountability structure is very good at determining where Federal money is spent, but it tells us very little about whether we are actually achieving results. Hundreds of hours and dollars are invested in complying with these regulations, and the investment in bureaucratic processes does nothing to improve the quality of services that we deliver to citizens. Moreover, our current structure of accountability has made us very responsive to each other. That is, we are responsive bureaucrat to bureaucrat at all levels of our government, rather than to the people who we serve. We need to reorient our system of government and to view taxpayers as investors and our citizens as customers.

Fourth, we must help retool all new governments for this new relationship. We need to reequip our Nation's governments to function in a new, cooperative environment. The Federal bu-

reaucracies need to recreate the ability to listen to local governments. In the 1980's, we witnessed the destruction of the intergovernmental affairs offices at most Federal agencies. They were supposed to be the focal point of cooperation, of listening. The Federal Government must actively solicit and use the ideas and experience of State and local governments.

I believe these two bills, Senate bills No. 1 and No. 88, strive to accomplish many of the same goals, including better informing the legislative process in Congress, stressing the need for flexibility for State and local governments to better meet the needs of the people they serve in an efficient and effective manner, and making it a goal that the Federal Government actively seek out and consult with State and local governments through the legislative process.

Mr. President, I commend those who have worked so diligently in bringing this legislation before us, especially the author, Senator KEMPTHORNE of Idaho. It is important that the balance contained in this legislation I alluded to earlier be kept intact. It is equally important that we pass this legislation.

As it is not my intention to bog down this important bill, I want to indicate that at a particular moment in time I will withdraw my amendment. I will, however, pursue action on Senate bill No. 88 at the earliest opportunity. I am very hopeful that I can get the ear and the attention of the Governmental Affairs Committee. I will personally visit with Senator ROTH, the chairman of that committee, and the ranking member, in order to get some assurance that this proposal, which has had its experience proven by the experience in my State of Oregon.

I thank the Chair and yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, I would like to commend the Senator from Oregon [Mr. HATFIELD], for the common sense and wisdom of what he just stated. I know in our case, in Idaho, we know that Atlanta, ID, of a few hundred people is quite different from Atlanta, GA, of a million people. We have to have flexibility. The requirements have to fit. I have met with Senator HATFIELD in his office and discussed the proposal and I was taken by the common sense of it, and by the enthusiasm by which he is proceeding with this. Again, I thank the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, we now have before us Senate bill No. 1, our efforts to curb unfunded Federal mandates.

This begins now the sixth day of debate on this bill. During the course of the debate, we had concerns that were expressed because committee reports

were not available. That has been rectified. So all Members of the Senate now have committee reports in their possession, which they have had the opportunity to read. It is, through the process, necessary for us to deal with any committee amendments that were added in through either the Governmental Affairs Committee or the Budget Committee. We have taken those. Whereas, in some instances, committee amendments will be agreed to, en bloc, with this particular bill, it was necessary because of concerns expressed by Members of the Senate that we take them one at a time. We have now dealt with all of those committee amendments, so that we now have the actual language of the bill before us and we can begin discussing the amendments that Members of the Senate would like to suggest be made part of this bill. There are something like 60 amendments that we have been notified may be brought forward.

We talk about an unfunded mandate, but what does that really mean? Well, the definition is that it is an enforced, nonvoluntary duty imposed by the Federal Government on State and local governments, tribal governments, or the private sector. Enforced, nonvoluntary.

In doing that, the Federal Government has not followed the practice of providing the funds to carry out those responsibilities of those new Federal programs. The reality is that it precludes State and local officials from being able to set their own priorities. Again, as a former mayor, I know when we would begin a new year and talk about our priorities, we knew full well that those priorities that we thought were important at the local level would be impacted by what the Federal Government then sent down as an unfunded Federal mandate saying, "You will do this." You do not have a choice and you will provide the funds to do it. Oftentimes, cities and counties, for example, have no recourse but to use local property taxes to pay for these unfunded Federal programs.

It is estimated that anywhere between 10 and 15 percent of a local community's budget right off the top goes to pay for the Federal programs. At the State level, I have heard numbers as high as 25 and 35 percent right off the top that must go to pay for these Federal mandates. What are the costs of these mandates? Well, I think the American public has now come to realize that while we have practiced the imposition of these unfunded mandates, Congress has not been required to ask before making a decision, "How much do these cost?" They are multimillion and multibillion dollars in size and, yet, our practice has been that someone might ask as we are voting during that 15-minute period, "Does there happen to be a mandate in here and does anybody have an idea as to how much it might be?" because it was not required.

I find it amazing because I cannot think of businesses or many other entities that can make multimillion-dollar decisions and not know the impact or dollar amount before they make those decisions. So, really, these take on the nature of a hidden Federal tax paid for by local property taxes. In Moscow, ID, it was pointed out that during 1994, local property taxes and user fees went up 73.5 percent because of unfunded Federal mandates; a 73-percent increase. In Boise, ID, at a water treatment facility it was determined by the Federal Government that the standards needed to be adjusted. In order to do that, it required that that treatment facility had to be reconstructed at a cost of \$15.5 million. Now, that cost of the reconstruction was not done because of any health risk, because of any increase in customer load, and was not done for any greater efficiency for the delivery of water; it was done because a Federal standard was adjusted. And so the ratepayers had a 30-percent rate increase.

From Kooskia, ID, which is a community of just a few hundred people, I received this letter the other day from Inge Stickney, who is the mayor of Kooskia, ID. She started off by saying:

On C-SPAN today, I listened to you as did a lot of my neighbors. Many phone calls later, all of us agreed that you served us and the State of Idaho very well today.

The unfunded mandates are not only an impossible burden for all of us to carry, most of them are senseless.

Nobody wants to cut down the last tree, we all want clean air and good, clear water. Reality is that more and more people are going to require that much more of those precious resources. No amount of preservation will save this planet for humankind until we face the facts, all of which you well know.

I am mayor of Kooskia, a small logging town in Idaho county. It is of the greatest concern to me to where we are headed in the 21st century. Our small town has spent thousands of dollars on water tests which do not reflect our geological area. With our revenue declining, we struggle to be in compliance with State and Federal laws, some of which make no sense and cost too much.

As a private small trailer court owner, I am facing the loss of a business which was supposed to see us through our older years. I am 68 years young now. I cannot afford water testing costs in excess of thousands of dollars yearly. We have 15 trailer spaces and three one-bedroom apartments. We charge \$50 per trailer space and \$125 for the apartments. Most of our renters have been there for many years. They are old people who live on a monthly income averaging below \$500 per month. We do not make enough money off this small court to pay for the expensive tests. We have an excellent well with beautifully clean water, never had trouble with the well water. The EDQ people told me to raise the rent. Well, for our renters, even \$5 more a month is a problem. The EDQ people told me to sell \* \* \*, well, where will those people go?

Because we have another income, we have chosen to maintain status quo for now. We are willing to do everything we can to comply with all laws, as long as we can afford it.

I think this drives the point home, Mr. President. In Kooskia, ID, a small business operator who happens to be the mayor of Kooskia, with a trailer

community of 15 trailers, and some people in Government are saying, "Well, if you can't afford it, then you should sell." Well, if Inge sells, the next owner is going to have to raise the cost of the rental on those trailer spaces and then, really, these people that live there and have lived there for years, many of whom are retired loggers and farmers, will not have much choice. It will push it beyond their income. It may push it to the point that they then need to have Government help in order to continue their livelihood.

But, that shows you the extent of the decisions that we make here at the Federal level. Therefore, I think it is incumbent upon us to have as much information as is meaningful before we cast these votes. So that is what S. 1 is all about.

To give you just an overview of the process, the first thing that happens is that the committee considering this proposed legislation will notify the Senate Budget Committee of its intent to consider the legislation so that the Congressional Budget Office can begin the process of assembling the statistical data to develop cost estimates.

Next, at the request of the chairman or ranking member of any House or Senate committee, the Congressional Budget Office shall study this legislation for its cost impact. In doing that study, CBO will consult with State and local elected officials—the very people that are going to be impacted—first-hand so that we have their input at that stage of the process.

Also, Federal agencies are to provide the Congressional Budget Office with the information and assistance it needs to fulfill its cost-estimating responsibilities. I expect that most committees would take advantage of this provision because they will be charged with cost information that they will need to ultimately write the bill. That is why S. 1 enhances this whole process.

Next, the committees will have hearings, and all interests, both public and private, will have an opportunity to express their views. Both public and private interests will make known if they have concerns about this proposed legislation that the committee is considering.

At any time during the process, committees have a choice. They can either seek to comply with the provisions of S. 1, meaning that they will get the cost estimates and funding for public sector mandates; or they can decide that they wish to have a waiver of this process. And if a majority of this body agrees with that, then the waiver is granted.

Committees will then markup the bill. And for the first time, committees will know that the Congressional Budget Office has looked at cost mandates to both the public and private sectors and that State and local officials were consulted in that process. Armed with this information, committees can de-

cide, again, either to seek the waiver of the point of order, or it can decide to provide direct spending for each fiscal year or to provide an increase in receipts or to identify a subsequent and specific appropriations bill that will fund the mandate.

I want to emphasize a key point here. S. 1 says that authorizing committees should be responsible for funding the mandates that they establish. We keep the responsibility for the funding of these mandates on the authorizing committees, which is where the mandates originate.

Suppose the appropriators—we have the authorizers and then, of course, the appropriators—that provide the actual money do not fund the mandates? S. 1 takes that issue into account. In the authorizing bill, committees need to do two additional tasks: Designate the agency responsible for establishing procedures for imposing less costly responsibilities on State and local governments to meet the objectives of the mandate to the extent that appropriations may pay for the mandate; or designate a responsible Federal agency and establish the criteria and procedures to declare the mandate ineffective on October 1 of the fiscal year.

Once committees have approved legislation that includes Federal mandates, they must submit the legislation to the Congressional Budget Office and identify mandates contained in the bill.

Once committees have approved legislation that includes Federal mandates, they must submit accompanying committee reports that identify and describe the Federal mandates in the bill.

The committee report must also state the degree to which a Federal mandate affects both the public and private sectors, the extent to which Federal payment of public sector costs would affect a competitive balance between State and local governments and the private sector, and whether there are any adverse impacts to the private sector as a result of the funding modification or termination of public sector mandates.

Next, if the bill contains any intergovernmental mandates, the committee report must include a statement of the amount, if any, of an increase or decrease in the amount of authorization of appropriations to pay for the mandate, whether the committee intends for the mandate to be partly or entirely funded, and sources of funding to pay for the mandate.

Again, if it is a mandate on the public sector that exceeds \$50 million annually, then the Federal Government should provide the funds for that.

Committees must also include a cost estimate from the CBO director in committee reports.

The Congressional Budget Office must estimate the direct costs of all intergovernmental mandates that exceed \$50 million in any of the 4 fiscal years following the first year funds are

provided; the amount, if any, of increase in authorization or appropriations under existing Federal financial programs that will be used to pay for the mandates that are contained in the bill; and the amount of private sector mandates in excess of \$200 million a year.

If the committee fulfills all of these requirements, then this point of order does not lie against the bill.

I will also make the point, Mr. President, that the point of order is not self-initiating. A Member of the Senate must proceed in making the point of order.

Mr. President, a very important point, and that is, this bill is not retroactive. It does not affect existing mandates that are currently in place and on the books.

While I say that, Mr. President, I would like to make this point. When we say this bill is not retroactive, I think the debate has been retroactive. I have found so often while we have debated this bill, the different occasions when you may have Members on this side of the aisle or Members on that side of the aisle who will stand up and say, "But don't you remember back in 1974 when your side did this?" "Oh, yes, but don't you remember back in 1979 when your side did this?" "Yes, but that is because you had done this to us previous to that."

Mr. President, I think that the debate should not be retroactive. This piece of legislation is bipartisan. We have 63 Senators that have put their name on this bill saying this is a bill they are proud of and they want to go forward. It was developed by the chairman and ranking member of the Governmental Affairs Committee, the chairman and ranking member of the Budget Committee, my office, and many, many people from both sides of the aisle.

Mr. President, I will close by just issuing this invitation to all Senators that have amendments that have been filed at the desk, or notified us of amendments, that, to the extent and as early as possible, you make copies of those amendments available to us so that we could determine those amendments that we find acceptable, that make improvements to this bill, so that we could move on through this list of 60-plus amendments and get to the point that we can have the final discussion and final vote on S. 1, our efforts to curb unfunded Federal mandates.

Mr. President, I yield the floor.

Mr. DORGAN. Mr. President, I had noticed three amendments to this legislation and had sent them to the desk early Friday morning. So they have been properly filed and called relative to a unanimous-consent request.

I inquire of the Senator from Idaho and the Senator from Ohio—I would very much like to proceed, as well. I think the points made by a number of Senators are well taken. I am very interested in proceeding to debate the

amendments that I have offered and vote on those amendments.

Let me ask if it is appropriate to call up one of the amendments and we could set it aside. I know there is at least one other Senator who wishes to speak on at least one of my amendments. If other Senators are interested in speaking on the amendment I would call up first, then we could call for a vote on that amendment and have it after 4 o'clock.

Mr. GLENN. Parliamentary inquiry. As I understand our situation, amendments can be called up today, we can debate them during the day, but it is just that no votes will occur until after 4 o'clock.

The PRESIDING OFFICER. The Senator is correct, but there is an amendment by Senator HATFIELD.

Mr. GLENN. Mr. President, has that order been set aside?

The PRESIDING OFFICER. Not at this point.

Mr. GLENN. Would we need to formally set that aside?

The PRESIDING OFFICER. Unanimous consent would have to be requested.

Mr. GLENN. So that we can get on with the business of the Senate on this, I ask unanimous consent that the Hatfield amendment be temporarily set aside so we can continue with debate on other amendments.

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

#### AMENDMENT NO. 180

(Purpose: To provide for the treatment of Federal requirements for the utilization of metric systems of measurement)

Mr. DORGAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from North Dakota (Mr. DORGAN) for himself, Mrs. KASSEBAUM, and Mr. REID, proposes an amendment numbered 180.

Mr. DORGAN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 38 after line 25, insert the following:

#### SEC. 205. TERMINATION OF REQUIREMENTS FOR METRIC SYSTEM OF MEASUREMENT

(a) IN GENERAL.—Subject to subsections (b) and (c) and notwithstanding any other provision of law, no department, agency, or other entity of the Federal Government may require that any State, local, or tribal government utilize a metric system of measurement.

(b) EXCEPTION.—A department, agency, or other entity of the Federal Government may require the utilization of a metric system of measurement by a State, local, or tribal government in a particular activity, project, or transaction that is pending on the date of the enactment of this Act if the head of such department, agency, or other entity determines that the termination of such requirement with respect to such activity, project, or transaction will result in a substantial additional cost to the Federal Government in such activity, project, or transaction.

(c) SUNSET.—Subsection (a) shall cease to be effective on October 1, 1997.

On page 41, between lines 2 and 3, insert the following:

(4) TREATMENT OF REQUIREMENTS FOR METRIC SYSTEMS OF MEASUREMENT.—

(A) TREATMENT.—For purposes of paragraphs (1) and (2), the Commission shall consider requirements for metric systems of measurement to be unfunded Federal mandates.

(B) DEFINITION.—In this paragraph, the term "requirements for metric systems of measurement" means requirements of the departments, agencies, and other entities of the Federal Government that State, local, and tribal governments utilize metric systems of measurement.

Mr. DORGAN. Mr. President, let me describe this amendment. But before I do, let me also explain that I intend to speak and, hopefully, offer two amendments today. I have three amendments that I have noticed, one of which I will hold until tomorrow. The two amendments I hope we can consider today—and I would like to receive a vote on both—are this amendment, which is the issue of mandating the metric system requirements on State, local, and tribal governments. I will discuss this amendment in a moment.

The other amendment relates to the ultimate mandate which may occur this week: That is, the Federal Reserve will meet again and mandate increased interest rates in our country. And my amendment with respect to the Federal Reserve is very simple. It simply says that when the Federal Reserve Board meets, as always in secret, and mandates an increase in interest rates that will affect virtually all Americans, that within 30 days of taking that action they shall submit to the Congress and submit to the President a report assessing how much that mandate has cost the Federal Government in interest payments on the debt, and has cost State and local governments and the rest of the private sector. So that will be the second amendment I will offer.

Again, I have no intention of delaying these things. I would very much like to offer them and debate them. There are a number of Senators who want to speak on the Federal Reserve Board amendment. My intention will be to move forward these two amendments, and vote on them.

Let me, if I can, describe the metric system amendment that I have called up.

Mr. KEMPTHORNE. Would the Senator yield?

Mr. DORGAN. I yield.

Mr. KEMPTHORNE. Based on your comments—and I appreciate them—this is how we need to proceed. Would the Senator be willing to enter into a time agreement?

Mr. DORGAN. Mr. President, I would enter into a time agreement on both amendments, but before I do that, give me a little time to check with the other folks who want to speak. I would not expect either amendment to take a great length of time. Let me, if I

might, speak on the amendment I have called up first. Senator KASSEBAUM and Senator REID may wish to speak and I do not know who else wants to speak on the metric system amendment. I do not expect to consume a great deal of time. At the conclusion of both amendments I will ask for a recorded vote on each.

Let me describe the amendment with respect to the metric conversion. This country, some many years ago, decided that it wanted to proceed to enforce the utilization of the metric system of measurement in our country. I do not have any strong feelings one way or the other about the metric system of measurement. I do have some feelings about the Federal Government's enforcement of it in a manner that really defies common sense.

We can, it seems to me, get to the point where the Federal Government says we shall move toward the metric system of measurement and we will enforce that by requiring the Federal Government to be the leader. What we do at the Federal level is tell the Department of Transportation we would like the Department to go out in the country and tell all the States to take down all their green highway signs that say how many miles it is to the next rest stop or how many miles it is to the next off ramp on the highway. We replace those signs with signs that tell the American people how many kilometers it is to the next rest stop or to the next exit or ramp.

I have been in Congress for 14 years and I have yet to have a constituent write to me and ask if we could not please make some adjustment in the road signs. I have not had a constituent tell me it bothers them they cannot get into their car and access information about kilometers to the next rest stop or fuel stop. Not one constituent has ever indicated to me that that is a major problem.

But the Federal Government says that there is a problem and here is the solution. The solution is we spend money to take down the English signs and put up metric signs.

This controversy brings me to the floor today. I will give another example of one little project. We are trying to build some houses, the money for which has already been appropriated to house health service workers on the Turtle Mountain Indian Reservation, workers that are desperately needed to staff a health service center that is being built to address very serious health problems on this Indian reservation.

The problem is that they do not have housing available and we need to build some housing units. So, money was appropriated to do that. The plans, then, to build the houses proceeded. But then we discover that these houses, I believe it is some 20-housing units, to house health service workers, have to be built in the metric system on the Turtle Mountain Indian Reservation.

Why? Because a Federal agency says they must. It is an enforced mandate.

What is the consequence of that? The consequence is that it will cost more and it will take longer. The consequence is that if we have contractors up there that do not have workers skilled in using metric measurements, we have to get contractors from somewhere else. If we have suppliers that cannot supply in metric units, we buy from somewhere else.

This does not make any sense. Does it make sense for General Motors to use the metric system when it is engaged in commerce in other countries, selling products where the metric system is standard? Of course it does, and they do. The market system tells them what to do and when to do it. But there is no market system I know of that says the Federal Government ought to enforce a metric system when building a few houses on an Indian reservation in a manner allowing us in the end to say this cost more and took longer because we want to satisfy a requirement that someone had some time ago to say we want to enforce the Metric Conversion Act.

Senator KASSEBAUM, Senator REID and I are proposing a 2-year moratorium on any Federal department or agencies requiring State, local, and tribal government to use the metric system of measurement.

I am not suggesting we go back and revisit everything that has been done, but I am saying that in the next 2 years we should ask the commission that will study all Federal mandates to also evaluate the consequences and the costs of requiring the metric system of measurement on State, local, and tribal governments and who will bear those costs.

My amendment would impose a moratorium on metric mandates to State, local, and tribal governments for a 2-year period. During that period the Commission that is called for to study mandates in this legislation will study and evaluate and report to Congress the cost of metric mandates.

There are some who will argue that "we have been through this debate and the metric system makes good sense." I will not contest that. The point I am making today is not that there are not some areas in this country where we already have moved to the metric system and where we will continue to convert to the metric system in the future. My point is when we are short of money and when we are discussing unfunded mandates, I would like us at the same time to at least put the brakes on this conversion—a conversion manifested by virtually every Federal agency with a metric enforcement officer.

From my perspective, requiring the few little houses up on the Turtle Mountain Indian Reservation to use the metric system is a good example why some good ideas do not make much sense and have an impractical impact on some small projects out in the country.

My hope is that the Senator from Idaho and others reviewing this amend-

ment will decide that a 2-year moratorium will make some sense. Again, I am not repealing the Metric Conversion Act nor am I suspending all metric conversion activities in the Federal Government. I am simply asking for a 2-year moratorium to have the very Commission we are describing in this bill study it and report back to us.

This is a classic mandate, one which I think we should address. As I have said before, Senator KASSEBAUM and Senator REID will be over to support this legislation, as well. I will be happy, after I consult with their offices, to reach a time agreement so we can get a time certain on this.

I will be happy to yield the floor at this point.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, if the Senator will yield for a question, is there any estimate as to how much costs have been sent to the States to comply with the metric law as passed and as now being administered?

Mr. DORGAN. I say to the Senator from Ohio, I have no estimate of that. That is part of the problem and part of what has caused this legislation to come to the floor today. We have very little information about who does what and on whom our various costs are imposed. That is why I simply want to just suspend metric mandates for 2 years.

I should say to the Senator from Ohio, there is an exception here. If you have an agency or other entity of the Federal Government with a project that is well down the road, and the termination of the metric requirement they now have with respect to that project would result in substantial additional costs, the project would be able to continue. I do not intend to interrupt that at all. I do not know what metric mandates are costing State and local governments. That is precisely why I think it would be useful to have this Commission study it for 2 years.

Mr. GLENN. Mr. President, I will look at this later today, and we will listen attentively as others speak on this subject pro and con, but let me give you my impression of the metric bill that was passed some years ago.

I supported it then, for a very good reason; I thought and still think that we have to become more metric literate in this country and more competitive in this particular area in our worldwide commerce. So it takes on a new relevance to me when we are moving with GATT and all the increased international trade that expands every year that we have more of our businesses, particularly small business, for example, that become metric literate so they can compete in the international marketplace.

My distinguished colleague mentions some of the manufacturing that goes on. I think where you have the big

international manufacturers of Ford and GM and Chrysler, and others, they already have moved into metric because it is required in the international marketplace, and to do business, they have to have metric.

So they have moved in that area. One reason I supported this legislation earlier—and, in fact, was interested enough in it I made a nomination to the metric board—one of our newspaper editors in Ohio, Paul Block out of Toledo, the Toledo Blade, was very interested in this metric conversion. He was a scientist in his own right, a chemist, and was concerned that we be competitive in the international marketplace and that we move to metric as most of the rest of the world has; that we are not completely alone in our adherence to the old English measuring system, and so on. We are certainly in the minority of the major manufacturing areas of the world in not basing our manufacturing on a metric system.

We have seen our major industries convert, but I have been encouraged that we seek more metric literacy so that our students and our people growing up understand it better and understand how a kilogram relates to a pound and all the other measures and the number of screw threads per inch or per centimeter that is important in manufacturing. So I have supported this.

I would be interested if there are any figures, or if other speakers today on this particular amendment can provide any figures as to cost estimates of how much costs have been increased to the States by this particular piece of legislation.

It was my impression, and I would have to go back and check the law on this, that the road signs that were referred to by my colleague were only required to have metric on them if replaced. It was not a requirement that the States take down every road sign and go out and have metric on every single road sign. I thought that it was as those road signs had to be replaced, which was over a period of time, that then metric had to be included on them. I may be wrong on that. We have to go back and check the requirements on it.

I would be particularly interested in any cost estimates as to how much this has cost the States to comply with this mandate.

Let me say something else. I visit schools in Ohio on a reasonably regular basis. I have been encouraged to go into some of these classrooms and find out now for the first time they are requiring students to get into the metric system and really understand it, not just as some passing thing where you can look up in a book how to convert, but actually use it and understand it.

That bodes very well for the future because as these students come out and move into business themselves, they are far more literate in this area and much more able to conduct business in the area of international commerce than they otherwise would be.

So I would be interested in any estimates of costs that have been incurred or estimates thereof that we could use in this debate today.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I observe that the appetite for agencies to enforce is a never-ending appetite. I would not expect the Senator from Ohio has a great deal of faith in the bureaucracy looking at enforcing mandates and then deciding, "Well, let's do this in a commonsense way; let's do this only when the highway sign wears out so we have one highway sign that says 'Next exit 30 kilometers' and then 2 miles later, another highway sign that says 'Next exit 18 miles.'"

What happened there? One sign had worn out and the other sign had not. So you have a highway that has kilometers and miles.

The fact is, the Department of Transportation and the enforcement officers intent on enforcing this have a scheme in mind of tearing down the highway signs that exist and putting up metric signs across the country. The problem is, that costs an enormous amount of money. It costs the American taxpayers a substantial amount of money they ought not have to spend.

All of the things the Senator from Ohio said I largely agree with. It is in this country's best interest, where it is engaged in international trade, to trade in units where those with whom we are trading are using those common units. In many cases, that is the metric system. In trade-sensitive industries, they have long since converted to metric. But you get a perverse result, it seems to me, when we have an enforcement mechanism in the Federal Government to require State, local, and tribal governments to convert to metric.

That is my only point. I really believe that every good idea is taken to the end of its pendulum swing by someone whose belief it is to be an enforcement officer. I would like us to find out what is the answer to the question the Senator from Ohio raised. What is the ultimate cost to the taxpayer? And then maybe we can evaluate the cost-benefit with respect to a mandate.

So that is the purpose of my amendment. Again, I have no quarrel with the notion that in order to trade internationally we ought to deal in those units. Last week, we discovered with last month's trade figures that this year we well have the worst trade deficit in the history of civilization. Not just this country, but the worst trade deficit anyone in the world has ever known. So it may just be that with that kind of trade strategy and those kinds of trade deficits, we will someday, of course, be directed to do certain things by others who now have enough American dollars in their pockets to order mandates in this country that they choose. But my hope is that we

will straighten out this trade mess and redefine what global responsibilities are long before we get to that point.

I thank the Senator from Ohio for his comments and think that we do not disagree on the merits of using the metric system where it is important and where it is useful for the interests of this country or, conversely, the merits of using the English system of measurement where that is important and where that is useful to the interests of this country.

I yield the floor.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, in response, I do not know who the Senator referred to as those who are scheming, as he put it, to go beyond what was originally intended with this law. If there are those in the agencies who are doing exactly that, then we have to disabuse them of that and bring them up short in a very short period of time.

I am interested in what the law actually provided, period. What we required the States to do, what we required schools to do, universities, whatever. We gave some latitude to the metric board, the commission that was formed to administer this. But as far as other people being able to scheme to force the States to take highway signs down or to force action like that, quite apart from what was provided in the law, then I think we ought to be very careful of that. We all could give chapter and verse of examples where the people over in the agencies writing the rules and regulations pursuant to well-intentioned legislation passed here in the Congress go too far and they have to be brought up short.

There are two ways we do that in our regular, normal scheme of things in Government. One, all the regulations are to be submitted to the Office of Management and Budget and the Office of Information and Regulatory Affairs, and they are to pass on what rules and regulations are legitimate and permit them to go forward and make sure at that point, at OMB and OIRA, the requirements of law are being carried out and nothing more.

So we do not propose to let the people over in the executive branch of Government in a particular agency administer the laws up here to their own liking. And if that is being done, then I will join my distinguished colleague today or any time in the future in seeing that we bring them up short on that and make sure they do not go beyond the realm of what was in the law itself as written here and what the legislative history shows is the intent of the law. If they are going beyond that and requiring things that the law as written and signed into law by the President did not provide, then we should stop them immediately.

So I would join him in that effort here. But I have not seen any evidence

yet that that really is a major problem. I have not heard any real major complaint from the States in that regard.

I yield the floor.

Mr. DORGAN. Mr. President, if I might make one additional comment, there are some areas where the mandate will require someone to pay more and take more time because there is a conversion and some areas where it will not. Let me give you an example with respect to the highway signs.

The taxpayer is the one who pays for the replacement of the highway signs. Whether it is the taxpayer paying Federal taxes or State taxes probably has less importance to the taxpayer because they still have to pay the taxes.

In August 1993, DOT announced in a notice in the Federal Register that ISTEA now permitted Federal aid to reimburse States for costs that will be incurred when they install the metric highway signs.

What they said is we are now prepared to give you funds for converting those signs. They are not talking old signs or new signs. They are saying here are the funds available, and of course what they will do is find devices to say there are no funds, there is no cost to this mandate. But this is a mandate. Go do this.

My point is I do not want the American taxpayers to have to be paying out of any pocket for any mandates that are not mandates considered by this Congress. And that is the reason I bring this to attention in this piece of legislation. The fact is they are paying for an activity the American taxpayer should not have to bear at this point. We do not have to take down perfectly good highway signs and put up new signs with kilometers. That is an enormous waste of money, in my judgment.

I just have, I guess, enough experience to know that the bureaucratic system, left to its own devices, will try to find the end of this pendulum swing, and I think it will end up costing the taxpayers money. That is why I would like to put on the enforcement brakes for 2 years and have this commission study it. Now, if the study determines that this is not imposing any significant costs on anyone, is not very troublesome, then that is fine. That is an answer, I guess, that we would have then that we do not now.

If they find, on the other hand, that this can impose a substantial amount of additional costs with very little additional gain, I say let us step in here on the part of the American taxpayer and give them a little help. At least let us get the facts before someone runs ahead with the mandate.

That is the point I am making in the amendment.

I yield the floor.

Mr. KEMPTHORNE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. SIMPSON. Mr. President, I ask unanimous consent I might speak in morning business for not to exceed 10 minutes.

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

#### UNFUNDED MANDATES

Mr. SIMPSON. Mr. President, if urgent work comes up on behalf of the managers, I will step aside. But I just want to make some brief comments about a fascinating activity observed here by me on the Senate floor for these past several days.

I noted this with some whimsy, because I recall that after the November election returns there was a great deal of speculation as to how the minority party would act, now, in its wake. What would the President now try to do to, say, out-Republican the Republicans? Would the Democrats hop on board the Republican train or would they lie down on the tracks?

Interesting questions, all of them. Questions were also asked about how the Republicans would deal with having the majority. Would the House Republicans provide for a more open process, more consideration of minority views, or would they resort to the same ramrod tactics that the Democrats employed with some apparent relish, at least as I have observed it for 16 of the past 40 years?

Somehow lost to the media amid all of this questioning is a fundamental difference between Republicans and Democrats as to how, really, willing the two parties are to be on record, to have their votes scrutinized, and to be held up to the folks back home. Anyone who has watched the proceedings here in the Senate or the House the last several years has witnessed the strain and the energy that the Democratic Party has had to employ to avoid being put on record on any number of sensitive issues. Let me just cite a few examples I could not help but think of.

When we had the pullout from Somalia, and that was considered, the House Rules Committee attempted to protect the Democrats by adopting a "King of the Hill" rule. You remember that one—the rule that enables you to vote for one pullout date and then immediately following another one, a different one that supersedes it. We have another name for those. The Democrats seem to truly, truly enjoy those "CYA" amendments, one after another, so you can send the press release home, still having not done anything, but cover yourself nicely.

Then you remember the balanced budget amendment. Do you remember that one? We had enough cosponsors to pass that one last time around. But every manner of contortion was used to

enable the Democratic sponsors of the balanced budget amendment to find some reason to vote against the balanced budget amendment which they had cosponsored—a little bit of hypocrisy; just a touch.

I think we recall the vexations facing the House Rules Committee last year when they were confronted with health care legislation of the type which the Republicans favored more than did the President. They had to keep it from getting to the House floor because they knew it would pass.

You name the issue—whether it is the death penalty, gun control, term limits, balanced budget—the list is endless. And the struggle in this Chamber for years has been between Republicans trying to force votes on these issues and the Democrats attempting to prevent them, with all sorts of rationale, all thinly veiled, and all of that veil remarkably pierced on November 8.

So the Democrats would shriek "gridlock" when we would introduce one of these amendments for Senate consideration. But it was nothing of the sort. Those bills favored by the majority—virtually every one of them—did eventually pass but not before Senators had put themselves on record on a number of issues. Finally, all the chickens came home to roost in November. Finally voters across the country realized that the man or woman they had sent to Washington really did not believe in the death penalty after all, did not really believe in lower taxes, did not really believe in spending cuts, did not really support the balanced budget amendment, and they sent them all packing.

Why do I review this litany of activity? Because it is highly relevant to the situation we find ourselves in and found ourselves in this past week. I found in speaking to my Republican colleagues on the House and Senate side that the question has come up as to how open and inclusive our legislative process should be. Invariably, the answer has been, "Of course. Of course, we can keep it as open as is humanly possible because unlike the previous Democratic overlords of years past, we have precious little to fear from the Democrats forcing votes on various issues. What can they possibly make us vote on that we are less willing to confront than are the Democrats? Where, precisely, are we out of step with the body politic, while they are in step, especially with our constituents?"

Put that way, it becomes clear that the Republican majority have precious little to fear from the various stonewalling tactics from the other side. So I personally, having watched the Democratic minority at work here, am not in the least troubled by this remarkable strategy. It has deprived me of some light rest, but not of any certainty that we in the majority will prevail. In fact, I wonder with which political consultants they are working? Has