

conditions in 1994, and 46.4 percent of local officials reported that local unemployment conditions improved in 1994.

At the same time, about one-fifth of other municipal officials reported that the economic conditions and unemployment had worsened in their locality (21.7 percent, and 18.8 percent respectively).

Local governance

Fifty three percent (53.3 percent) of local elected officials indicated that municipal service levels were maintained in 1994. Two-thirds (64.4 percent) of these officials reported that even if city tax rates and fees are not increased in 1995, they will be able to maintain service levels.

Seventy-one percent of mayors, city council members and other elected officials indicate that their cities and towns are involved in local education reform/improvements efforts.

Ten percent (9.5 percent) of responding officials indicated that their cities and towns have a formal telecommunications policy for participation on the "information superhighway." Seventy-eight percent of officials indicated that they are either working on or thinking about putting a telecommunication policy in place.

More than four-fifths (85.6 percent) of local elected officials believe that regional cooperation is important in helping local government achieve its goals.

MANDATES

"So we must keep saying over and over again until the members of the 104th congress heed our cry. 'No check, no mandate . . .' For we must accept the challenge our constituents have set before us; the challenge to balance our budgets without expected and uncontrolled costs; the challenge to be in charge of our destiny."—keynote address, Mayor Sharpe James, President, National League of Cities, Annual Congress of Cities Conference, Minneapolis, MN (December 2, 1994)

Forty two percent of local officials reported that the citizens in their community understood the issue of unfunded mandates either well or somewhat in 1994. Twenty seven percent of local officials reported that citizens in their communities understood the issue of unfunded mandates either well or somewhat in 1993. Fifty eight percent of officials reported that citizens in their community either understand little about the issue or they do not understand the issue.

OVERALL CONDITIONS AND MANDATES

Municipal elected officials (see Chapter 2) reported that overall conditions related to mandates worsened in 1994. Seventy four percent of local officials indicated that unfunded mandates worsened in 1994.

Unfunded mandates also topped city officials list of "most deteriorated conditions," over the last 5 years. When local officials were asked about the most deteriorated conditions in the last five years, 35.1 percent of them indicated that unfunded mandates was one of the most deteriorated conditions. From a list 26 "conditions" unfunded mandates was most often mentioned by city officials.

When local officials were asked about the most important conditions to address during the next two years, 28.7 percent picked unfunded mandates. Unfunded mandates and (violent crime at 28.4 percent) topped city officials list of the "most important conditions" to address in next two years.

Mr. KEMPTHORNE. Mr. President, this whole study reflects the reason the National League of Cities, the U.S. Conference of Mayors, the National Governors Association, the National School Board Association, and others

are so supportive of the efforts of Senate bill 1, as well as the variety of entities in the private sector.

With that, I know that we have Senators who are here to file amendments. I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered. The pending amendments will be set aside.

The clerk will report.

AMENDMENT NO. 200

(Purpose: To provide a reporting and review procedure for agencies that receive insufficient funding to carry out a Federal mandate)

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 200.

Mr. BYRD. 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 23, strike beginning with line 24 through line 6 on page 25 and insert the following:

"(IV)(aa) provides that if for any fiscal year the responsible Federal agency determines that an appropriation Act does not provide for the estimated direct costs of the mandate as set forth in subclause (III), the Federal agency shall (not later than 30 days after the beginning of the fiscal year) notify the appropriate authorizing committees of Congress of the determination and submit legislative recommendations for either implementing a less costly mandate or suspending the mandate for the fiscal year; and

"(bb) provides expedited procedures for the consideration of the legislative recommendations referred to in item (aa) by Congress not later than 30 days after the recommendations are submitted to Congress."

Mr. BYRD. Mr. President, I ask unanimous consent that further consideration of the amendment be delayed until later at such time as I may wish to call up the amendment. I offer the amendment simply to qualify under the agreement.

I ask unanimous consent that my amendment be temporarily laid aside.

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

Mr. BYRD. I thank the Chair.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

AMENDMENTS NOS. 201, 202, AND 203, EN BLOC

Mrs. BOXER. Mr. President, I send to the desk three amendments en bloc for the purpose of complying with the unanimous-consent agreement of Friday, January 20, and ask that they be temporarily laid aside for debate at a later time.

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

The amendments (Nos. 201, 202 and 203) are as follows:

AMENDMENT NO. 201

On page 42, after line 25, insert the following:

(e) IMMIGRATION REPORT.—Not later than 3 months after the date of enactment of this

Act, the Advisory Commission shall develop a plan for reimbursing State, local, and tribal governments for costs associated with providing services to illegal immigrants based on the best available cost and revenue estimates, including—

- (1) education;
- (2) incarceration; and
- (3) health care.

AMENDMENT NO. 202

On page 13, line 5, strike "or" after the semicolon.

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following:

(7) provides for the protection of the health of children under the age of 5, pregnant women, or the frail elderly.

AMENDMENT NO. 203

On page 13, line 5, strike "or".

On page 13, line 8, strike the period and insert "; or".

On page 13, between lines 8 and 9, insert the following new paragraph:

"(7) is intended to study, control, deter, prevent, prohibit or otherwise mitigate child pornography, child abuse and illegal child labor."

Mrs. BOXER. Mr. President, I want to thank the managers of the bill. They have been cooperative with me. They know that I care a lot about these amendments.

I would like to make a couple of comments about issues that do not have to do with S. 1 and then return to that.

ROSE FITZGERALD KENNEDY

Mrs. BOXER. Mr. President, I send my condolences to the Kennedy family. The Kennedy family has given this country great men and women. They have been profiles in courage in so many ways, and Rose Kennedy certainly was one of those profiles in courage.

I just want to send my deepest sympathy to my friends in the Kennedy family. In behalf of the people of California, we send our condolences to the family.

UNFUNDED MANDATE REFORM ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, I was very pleased that last week the Senate took a little time out to pass a very important amendment regarding violence at health care clinics around this country. I know it was difficult for some of my Republican friends to stop other business and pending matters. They have a contract they want to get through. But as I pointed out, the world goes on, contract or no contract, and we need to respond.

I think the fact that we did respond before the anniversary of Roe versus Wade was very important in terms of timing. I went to a clinic in California in Riverside County. I want to tell my friends in the Senate on both sides of