

California, and the various Governors appeared at that time.

Do the managers feel that it is likely that we will have an opportunity to debate this amendment? Mrs. BOXER says she is going to offer an amendment "to ensure that the costs to States and local governments from illegal immigration be addressed in the bill."

What is the likelihood of such an amendment being adopted?

She also expresses concern that the amendments to sunset the bill were rejected by a party-line vote. What can we expect? Can we expect any relief for those States that have such humongous problems at this time with respect to illegal immigration? Can we expect them to get any relief?

Mr. KEMPTHORNE. Will the Senator yield?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. Mr. President, I believe the Senator from California raises a very important issue when she raises this question of immigration. The Senator from Florida, the Senator from Texas, the Senator from Arizona, and many others have raised this issue.

But in listening to the distinguished Senator from West Virginia as he talks about the process and the fact that he believes there is a process where the committee should be involved, this issue of immigration is a monumental issue. I do not know that, by bringing that to the floor, this is the forum for us to finally resolve that.

I have also spoken to the distinguished Senator from Wyoming [Mr. SIMPSON] who has also been providing leadership on this issue. My concern is that I do not believe this is the bill to attach it to.

But, am I empathetic to what those Senators are saying? Absolutely. This Nation needs to deal with that issue of immigration, but I do not believe this is the vehicle to accomplish that.

Mr. BYRD. I do not mean for the Senator to address that particular aspect of it. That was not my point. I do not expect this bill to address that aspect of it.

But Mrs. BOXER and others are obviously very concerned with respect to the unfunded mandate or mandates that are being placed upon the States to deal with this problem. My question goes to that aspect, not to dealing with a solution to the overall problem.

Mr. KEMPTHORNE. Will the Senator yield further?

Mr. BYRD. Yes.

Mr. KEMPTHORNE. I would just read to the Senator about 10 lines from the bill. This is on page 3, under the purpose of the bill. It states:

(A) providing for the development of information about the nature and size of mandates in proposed legislation; and

(B) establishing a mechanism to bring such information to the attention of the Senate and the House of Representatives before the Senate and the House of Representatives vote on proposed legislation;

(4) to promote informed and deliberate decisions by Congress on the appropriateness of Federal mandates in any particular instance.

I believe, I say to the Senator, that if S. 1 were in place right now, this would be the process that would help, for example, the Senator from California in dealing with what may be further Federal mandates where there are costs imposed on the States under that title of immigration.

This is a process before we cast our vote. Because, the Senator is well aware of how many times, when we have a 15-minute rollcall vote, we will go down there and we may confer with one another during those 15 minutes and we will ask, "Is there a mandate in here?" That is the extent of the knowledge we have today.

This is going to give us a process so that we will know that there is a mandate or there is not. We will know the cost of it. We will know the impact on both the public and private sector. And we will know that information up front before we cast our vote. So that is why I am so desirous to get on with the implementation of S. 1, because then we can take some of these very important issues that the Senator has raised.

Now we have a process to allow Members to deal with it so that it is informed as opposed to the current process.

Mr. GLENN. Will the Senator yield for an additional reply to his question?

This bill is prospective. It does not try to go back and undo what may have happened or what may have built up in the past.

I see our distinguished colleague from Iowa on the floor, and I am sure he may want to address this because I understand he had a proposed amendment that we go by. But this bill is strictly prospective. It tries to address what has been the major problem with regard to the Federal-State relationship, and that is that we have specifically passed a lot of laws that impose mandates on the States.

Now, we do not propose in this legislation to try to correct the situation where the Federal Government has had a responsibility—for example, immigration control—and that responsibility has been inadequately met to the point where it is developing into a major problem, at a major cost to States. We do not try to address some of those things.

Now, that has to be addressed. I do not think it necessarily needs to be addressed in this legislation, because if it is, then, we are into a real quagmire of considering every situation where States or particular Senators from States have a feeling that because the Federal Government did not meet the States' responsibilities—say, in flood control or in whatever area it might have been—that we then have to come back and assume responsibilities for that later in this legislation.

Now, I think it is very fair and proper that we address the immigration problem, but we made no attempt in this bill, nor do I really feel that we should in this bill, to address something like immigration, which is where the Fed-

eral Government, obviously, has not met its responsibility to control immigration for the United States of America. We have not been doing it, particularly in California, Texas, the border States along our southern border, and to some extent in other States, also.

That is where the major problems have occurred, because the Federal Government did not meet its responsibilities. Then I think there should be separate legislation that deals with this. But this bill is not set up to address something that is of that nature and that is already behind us.

I would say this: The major problem for most States—although that is a major problem for California, for instance—but the major problem for most States has not been of that nature where the Federal Government did not meet its responsibilities. The major problem we are trying to address here is where the Federal Government has in many respects gone too far, maybe, in meeting this responsibly and tossing this requirement downhill to the States and local communities and saying, "You pick it up"—the States—"we are not going to do it." That was not done intentionally from the Federal Government with regard to immigration, although we have to address that.

So, what we are trying to do, and the major cost to most States has come from the unfunded mandates where we have passed laws that require clean air, clean water, clean whatever it was, and said, "OK, States, but you pick up the bill on this." We have not tried to address something that has happened where a Federal responsibility is not met and tried to address that in helping States like California, or Texas, or New Mexico—Arizona in particular, pick up the costs that they have, I feel, unfairly, been saddled with. I yield the floor.

Mr. BYRD. Mr. President, I agree with the Senator. I thank both Senators for their responses to my questions.

I have over the weekend, as I say, read the reports. I found some positive things in the reports which have an attraction with respect to this legislation.

At some point I would like to ask some further questions, but I yield the floor at this time. I thank both Senators for their courtesy.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, again, many of the points raised by the Senator from West Virginia I may happen to agree with. In fact, I do agree with many of the points that were made this morning.

The discussion about the balanced budget amendment, now while that is an important issue, this is not the legislation dealing with the balanced budget amendment. That will come sometime in the future. This is about