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Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Guest Chaplain, the Reverend Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC, offered the following prayer:

Let us pray:

Lord of Heaven, we come into Your presence this morning and offer You praise as a good God, who rules creation for the good of all those who love You, and more. Thank You for Your goodness to us in this country and in this Chamber.

We come to You in humility, realizing that amidst all the august architecture of this place and the trappings of power, that all of us are passing, You alone are eternal. We are changing, You are perfect. We know in part, You are all-knowing. We have some power, only You have all power. You are all good, too often our motives are mixed.

We pray especially for these Senators gathered here today. Use them, Lord, for the good of this Nation and the world. Through these creatures of clay, show Your goodness to us. Be pleased to bless them in their labor, helping them to help the rest of us go about our business in peace and quietness. Help them as they do our Nation's work.

Give them insight and will to conserve what is good in our laws, and to correct what is wrong. Assist them in promoting the good of all Your people, as they promote peace at home and abroad, and work to protect all that is good in our society.

Lord, though so much seems amiss today, we do praise You for the ways Your goodness is reflected in this country. Pray You would use these men and women to encourage that even more, for Jesus' sake. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

Mr. LOTT addressed the Chair.

The PRESIDENT pro tempore. The distinguished acting majority leader.

SCHEDULE

Mr. LOTT. Mr. President, on behalf of the majority leader, I am pleased to make this announcement of orders for Wednesday, January 11.

Following the time for the two leaders this afternoon, there will be a period for the transaction of routine morning business not to extend beyond the hour of 1:30 p.m. with the following Senators recognized to speak for the time indicated: Senator FRIST for 10 minutes; Senator HUTCHISON for 20 minutes; Senator CAMPBELL for 5 minutes; and Senator HARKIN for 20 minutes.

At 1:30 p.m. this afternoon, the Senate will resume consideration of S. 2, the congressional coverage bill. Senator LAUTENBERG will be recognized to offer an amendment on which there will be 25 minutes of debate.

Upon the expiration or yielding back of the time on the Lautenberg amendment, Senator BRYAN will be recognized to speak on an amendment. Following Senator BRYAN, Senator GLENN will offer a managers' amendment with 10 minutes of debate to be equally divided. Senator STEVENS will then be recognized to offer an amendment dealing with the Library of Congress.

Under a previous unanimous-consent agreement, there will be only first-degree amendments in order to the bill. Following disposition of amendments, the Senate will proceed to a vote on final passage of S. 2. However, no roll-call votes will occur prior to 5 p.m. this afternoon.

Also, for the information of Senators, the Senate will begin consideration of

S. 1, the unfunded mandates bill, tomorrow at 10 a.m.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I yield the floor.

Mr. CAMPBELL addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Colorado.

(The remarks of Senator CAMPBELL pertaining to the introduction of S. 193 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNFUNDED FEDERAL MANDATES

Mr. FRIST. Mr. President, I rise today to address two matters.

First, Mr. President, to let you and my other colleagues in the U.S. Senate know how honored I am to be a part of this noble institution and how much I look forward to working with each of you in conducting what Senator Howard Baker has called "the business of the people."

Second, I want to take a moment to address the issue of unfunded Federal mandates, and specifically the Unfunded Mandates Reform Act of 1995.

As I look around this great body I realize that I am one of the very few Members who has come directly to the Senate from the private sector with no previous ties to Washington, DC or, for that matter, politics. The people of Tennessee elected me as a true citizen legislator—to come to Washington for a period of time with a mission to accomplish and then return to Tennessee to live under the laws I helped pass. As a recently elected citizen legislator, I carry a very distinct advantage: a closeness to the people, a commonality of interest with real people with real jobs, and an immediate understanding of the message of November 8.

During the last year, I have traveled to most all of the 95 counties in my

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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home State of Tennessee—from Memphis to Mountain City—listening to the thoughts and concerns of private citizens and local officials. Coming directly from the private sector, I heard their message in the clearest possible terms, unfettered by the preconceived notions and prejudices of Washington.

And their message was: "Change the direction of the country. Get the Federal Government off our backs, out of our pockets, and off our land. The arrogance of Washington is stifling us, and we are capable of making our own decisions." A simple, crystal clear message.

Mr. President, this is the message I bring to Washington. And there is no better example of the Federal Government's arrogance and unwanted meddling than the unfunded Federal mandates. As our majority leader so eloquently pointed out in his opening remarks of the 104th Congress, the 10th amendment provides that powers not delegated to the United States nor prohibited to the States are reserved to the States or to the people. Yet, through unfunded mandates, the Congress has forced its will upon the people by requiring State and local governments to pay for legislation over which they have no control. The result of these mandates is that local governments are forced to abandon their own priorities, to offer fewer services to the public, and to ultimately charge higher taxes and utility rates.

In my home State of Tennessee, for example, local officials from the city of Knoxville determined that they would have had an additional \$11 million to spend on local priorities in the absence of 10 unfunded Federal mandates. According to their estimates, Knoxville could have spent \$3.5 million for police and crime prevention were it not for these unfunded Federal mandates. Part of this money would have funded approximately 60 new police officers.

Examples such as these have been cited from cities across this country, from across America. It is essentially a problem of taxation without representation. That injustice helped bring about one revolution about 200 years ago, and I think on November 8 we saw another such revolution. The people have demanded that we put an end to such practice. The State and local battle cry, "no money, no mandates," has reached a fever pitch.

The test of any government is its responsiveness to its citizens. The solution to the problem of unfunded mandates is to require Congress to pay for any mandate it places on State and local governments.

Mr. President, I believe that Senate bill No. 1, the Unfunded Mandate Reform Act of 1995, is a step in the right direction. It will be an effective but simple mechanism to curb the unfunded mandates that are strangling America's communities. Requiring Congress to pay for its mandates will merely require Congress to live in the real world. Like the rest of America, Congress will have to learn to balance

budgets, to provide services efficiently, to prioritize, and to make tough spending decisions.

For this reason, I have cosponsored the Unfunded Mandate Reform Act of 1995. I commend Senator KEMPTHORNE for his leadership over the past 2 years in raising the awareness of lawmakers and the American public regarding the unfunded mandate issue. As Mayor Victor Ashe, of Knoxville, TN, currently president of the U.S. Conference of Mayors and a champion of this cause has said: "This bill will begin to restore the partnership which the founders of the Nation intended to exist between the Federal Government and State and local governments."

However, Mr. President, I would be remiss if I did not say that there are aspects of this bill that can and should be improved. The bill has no effect on Congress unless the Congressional Budget Office first determines that a bill which contains an unfunded mandate will cost the State and local government more than \$50 million over a single year. While I am sure much thought has been given to this threshold amount, and while I understand that increased demands will be placed on the CBO, I urge my colleagues to listen a little more closely to the will of the people. Their message was not to limit unfunded Federal mandates, it was to eliminate them. I urge my colleagues to give serious consideration to eliminating the \$50 million threshold in the bill.

The second provision of the bill which disturbs me is the provision that allows Congress to override the prohibition on unfunded Federal mandates with a simple majority vote in the Senate. In essence, what we give to the American people with one hand we potentially take away with the other. I urge that this provision be strengthened to require a supermajority of 60 votes to waive this legislation. Those two concerns notwithstanding, I believe this bill is a good step in the right direction.

Mr. President, the directive of November 8 is clear: A return to Federalism, the idea that power should be kept close to the people. I believe that the Unfunded Mandates Reform Act of 1995, particularly if strengthened as I have urged, will go a long way toward saying to the American people that this body believes the people can and should be trusted with the power to make their own decisions. I urge my colleagues to strengthen and then pass this important piece of legislation as quickly as possible. Thank you, Mr. President.

I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Texas [Mrs. HUTCHISON] is recognized to speak for up to 20 minutes.

Mrs. HUTCHISON. Mr. President, I would like to yield 5 minutes to my colleague from Idaho, after which I will then take no longer than 15 minutes.

The PRESIDING OFFICER (Mr. GRAMS). Is there objection?

Without objection, it is so ordered.

The Senator from Idaho [Mr. CRAIG] is recognized.

A PLEDGE TO HELP

Mr. CRAIG. Thank you, Mr. President, I thank my colleague from Texas for yielding for a few moments. I appreciate a portion of her time.

Let me congratulate the Senator from Tennessee for a very clear message about why he came to Washington, reflective of the expectations of his constituency to respond to the issue of unfunded mandates. We will begin debate on that issue tomorrow, and it is exciting that my colleague, DIRK KEMPTHORNE, is the champion of that issue as we begin to address why the American public is so frustrated over what we do here, and this is one of the most effective ways of curbing it.

I also recognize my colleague from Colorado in his reintroduction of grazing law reform. I will join with him, and I have pledged, with my chairmanship of the Public Lands Committee of the Energy and Natural Resources Committee, that we will deal with this issue this year.

I have also appreciated the cooperation of the Secretary of the Interior. We have had several discussions over the last couple of months as he brings forth new rules and regulations that he would not deal with grazing fees per se and that he would offer some flexibility so that the authorizing committee could respond to the grazing industry and other interests out there that are concerned about the management of our public grass lands and how they will be grazed and under what policy they will be grazed.

For the balance of my brief time, let me suggest that there is a tactic underway, Mr. President, that while it may appear to be well directed, in my opinion, it is tremendously misguided. That is a tactic being used by the Democrat leadership at this moment to try to refocus the whole debate on a balanced budget amendment to our Constitution. There is that old adage that when you are out in the swamp surrounded by alligators, you are forgetting your initial purpose to come to the swamp was to drain it. That is exactly the tactic being used at this moment by the Democratic leadership in both Houses, to say: "For the next 7 years tell us every budget cut you are going to make. Let us be specific right down to the detail. What are you going to cut, and how are you going to cut the budget to arrive at a \$1.3 billion reduction in the budget to get to a balanced budget by 2002?"

That is phony. It is just as phony as can be to play that kind of game. What we have to talk about here is what we want to do first and how we want to do it, and then let us proceed down a path that will yield a balanced budget by the year 2002.