

Congress can be proud of it in its entirety.

The SPEAKER pro tempore (Mr. GUNDERSON). The Chair appreciates the parliamentary inquiry. The Speaker appreciates the cooperation on behalf of the entire House.

Mrs. COLLINS of Illinois. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentlewoman will state her parliamentary inquiry.

Mrs. COLLINS of Illinois. Mr. Speaker, I raise a parliamentary inquiry concerning consideration of the bill.

The SPEAKER pro tempore. Does the gentlewoman state a point of order or a parliamentary inquiry?

Mrs. COLLINS of Illinois. A parliamentary inquiry, Mr. Speaker.

Mr. Speaker, under clause 2(j)(1) of rule XI it states "Whatever any hearing is conducted by any committee upon any measure or matter, the minority party members on the committee shall be entitled, upon request to the chairman by a majority of them before completion of the hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least 1 day of hearing thereon."

Mr. Speaker, the Committee on Government Reform and Oversight is the committee of original jurisdiction on this bill. On January 10, the Committee on Government Reform and Oversight began its markup on H.R. 5.

Mr. DREIER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. There is a parliamentary inquiry before the House at the present time.

The Chair has asked the gentlewoman to suspend so we might have order and that the Chair will be able to hear the parliamentary inquiry.

Mrs. COLLINS of Illinois. After two opening statements, the chairman of the committee invited a member of the majority party who was not a member of the committee to testify before the committee. At the conclusion of his testimony, the witness thanked the chairman of the committee for holding the hearing.

Mr. Speaker, minority members of the committee protested in a timely fashion. No opportunity was given to Members on our side of the aisle to question the witness. Democrats requested that an additional formal hearing be conducted on this measure so that their witnesses could be called. That request was denied and the minority was told that the only procedure allowed would be to continue the full committee markup of the bill. Efforts on the part of the minority members to raise questions over possible violations of House rules were dismissed by the chairman.

Mr. Speaker, in my view, allowing a Member not on the committee to testify changed the meeting from a straight markup to a hearing.

It is true that in many committee markups the majority requests the

presence of certain experts, usually administration officials or committee staff, to answer questions about the interpretation or effect of different proposals.

The Member's appearance before the committee, the Member who is not a member of the committee, was not like that. Questions were not put to him. He provided a statement and read his testimony in the way any witness testifies at any hearing.

Mr. Speaker, we do not protest the presence of Members not on the committee at the markup and hearing. Our complaint is that we were denied the opportunity to ask questions and to call our own witnesses, as we were entitled to do under the rules.

The only remedy, Mr. Speaker, is a point of order at this stage of deliberation.

Is it correct that I would be required to raise a point of order, Mr. Speaker, when the committee resolves itself into the Committee of the Whole?

The SPEAKER pro tempore. If the gentlewoman insists on her point of order, that point of order would be timely at this point in the process.

Mrs. COLLINS of Illinois. Thank you, Mr. Speaker. However, because, Mr. Speaker, I do not want to engage in any kind of dilatory tactics, such as I have heard before in the 103d Congress and previous Congresses, I will not insist upon a point of order at this time.

The SPEAKER pro tempore. Does the gentlewoman seek a response from the Chair regarding the inquiry?

Mrs. COLLINS of Illinois. Not at this time, Mr. Speaker. I think I have made my point.

#### UNFUNDED MANDATE REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 38 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 5.

□ 1244

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the cost of Federal mandates on the private sector, and for other purposes, with Mr. EMERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. CLINGER] will be recognized for 30 minutes, the gentle-

woman from Illinois [Mrs. COLLINS] will be recognized for 30 minutes, the gentleman from California [Mr. DREIER] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. CLINGER].

Mr. CLINGER. Mr. Chairman, I yield 5 minutes of my time to the gentleman from California [Mr. CONDIT], and I ask unanimous consent that he be allowed to manage that time. I also ask unanimous consent that the committees be recognized in order.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. DREIER. Mr. Chairman, I, too, ask unanimous consent that I be able to yield 5 minutes of our Committee on Rules time to the gentleman from California [Mr. CONDIT], and that he be able to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. MOAKLEY. Mr. Chairman, I ask unanimous consent to yield 5 minutes to the gentleman from California [Mr. CONDIT].

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. CLINGER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, some years ago a serial killer whose name I forget, there are so many these days, left a scribbled note at the scene of one of his murders which said, "Stop me before I kill again." In effect, he was saying, "I know what I am doing is wrong, but I am powerless to stop doing it."

Mr. Chairman, so it is with unfunded mandates. Most of us in this House know what we are doing is wrong, that we are putting an increasingly intolerable burden on States and local governments in the private sector, but we seem incapable of stopping it. H.R. 5 is our way of saying, "Stop us before we mandate again."

In fact, this bill will not actually stop us from imposing additional unfunded mandates, but it will certainly slow the process, and will force each of us to go on record if we want to mandate action by State and local governments without providing the resources with which to pay for it.

It does not go nearly as far as some of us would like. No money, no mandate, would be our preference, but H.R. 5 is a reasonable compromise between divergent views, and one which has the support of the President and bipartisan support in both the House and Senate.

This bill begins to restore to State and local governments some measure of control and direction over their own affairs, control which the Federal Government has increasingly arrogated to itself over recent decades.

Here is what H.R. 5 will do. Title I establishes a 1-year commission to re-evaluate existing mandates and to make recommendations to Congress and to the President as to whether some or all should be changed to ensure that they still make sense.

Title II requires Federal agencies to consult with State and local elected officials and to prepare statements on agency actions that will cost State and local governments or the private sector in excess of \$100 million.

Title III applies to us. It ensures Congress is informed and accountable when it comes to considering an unfunded mandate in pending legislation. It requires that CBO score the cost of State and local governments as well as the private sector of any mandates in new legislation prior to floor consideration. Then, this title establishes a point of order on the floor against consideration of legislation imposing unfunded mandates over \$50 million unless there is funding.

Here are some of the things this bill will not do, despite the rising chorus of naysayers who see the erosion of environmental and safety protections, if not the dissolution of the entire nation, with passage of this bill.

It will not have any effect on existing mandates designed to protect the environment, worker or consumer safety, or any other existing Federally mandated requirements. It has no, repeat no, retroactive effect. It will not, per se, create competitive inequities between public and private enterprise.

It will not preclude, and in fact is designed to ensure, an up-or-down vote on whether to impose an unfunded mandate.

Mr. Chairman, I am well aware that there are some in this body, a small minority, I believe, who strongly oppose any limitation on the power of the Federal Government to dictate to States and to local governments. Their view is based on the well-intentioned but in my opinion misguided belief that only the Federal Government can maintain essential standards and that permitting flexibility to States or local governments will erode services and the overall quality of life in the Nation as a whole.

There is an implicit assumption in this position that States and local governments cannot be trusted to protect the welfare of their citizens, despite the fact that the governments closest to their constituents are likely to be more responsive, not less, to environmental safety and other concerns.

The truth is that it has often been the Federal Government that has frustrated State and local efforts to deal with problems of all sorts.

Too often the Federal Government has mandated an inflexible solution and made the situation worse rather than better. The cumulative effect of these requirements, Mr. Chairman, is that communities and States have been forced to increase the burden on their

citizens to pay for their record, whether the mandates make sense or not.

□ 1250

H.R. 5 will force us to think twice and vote twice before passing a mandate that someone else has to fund.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may use.

Mr. Chairman, we take a lot of things for granted in this country. We take for granted that our drinking water will be free from germs and free from dirt. We take for granted the air we breathe will be reasonably clean. We take for granted that the food we buy in the supermarket meets certain quality standards. But once this unfunded mandate bill passes, we may have to stop taking these things for granted, at least on a Federal level.

Mr. Chairman, the people of my district know about dirty water and high water rates. We live next to the single largest water treatment project in the country, the Boston Harbor cleanup. Let me tell you, it is one thing to live next door to the harbor, but it would be another thing altogether to have dirty water coming out of our faucets all over the country.

I am concerned that families who want clean water and the workers who want to know that the places they work will be as safe as they possibly can be made.

Mr. Chairman, we have come a long way in this country from the days of contaminated drinking water and sweatshops. Let us not undo all the good we have done just because we are in a hurry to pass an unfunded mandate bill.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. Mr. Chairman, I want to start by complimenting the sponsors of this bipartisan legislation. Messrs. CLINGER, PORTMAN, CONDIT, and DAVIS have done a superb job. The four of them have worked diligently to produce a balanced bill that addresses the need to make Congress accountable when enacting unfunded mandates without unduly hamstringing the legislative process.

During a markup last Thursday the Committee on Rules adopted amendments to clarify that H.R. 5 does not apply to straight reauthorization bills, and to streamline the process when a point of order is made on the floor with respect to unfunded mandates.

H.R. 5 does not explicitly prohibit the enactment of future unfunded mandates. But it does make enacting such mandates procedurally challenging. That is because, for too long, Congress has been casually passing the buck by imposing enforceable mandates on State and local governments without

commensurate funding to carry out those duties.

Frankly, I would like to see the bill go further by rolling back some existing unfunded mandates, such as the motor voter bill. Enforcement of that law will cost my State of California more than \$35 million annually.

In addition, a number of Federal environmental laws and regulations imposed on local governments are paid for by taxes on homeowners in the form of impact fees. In California, these fees exceed \$20,000 per new house. For every \$1,000 added to the price of a home as a result of these mandates, 20,000 middle-income families are priced out of the market.

However, H.R. 5 is not the proper vehicle to retroactively resolve these onerous mandate problems. Congress will have the opportunity to modify or repeal existing unfunded mandates when the commission which is established under H.R. 5 conducts a thorough study and reports its findings to Congress early next year.

Many of my colleagues on the other side of the aisle are calling for more time to study this mandate relief bill, arguing that the measure is complicated and could hamstring the legislative process. That is the point of the legislation. As long as committees do not report bills containing unfunded mandates, H.R. 5 makes no changes in existing legislative procedures.

The bill is the result of years of negotiations with State and local government officials who have been calling for mandate relief since the early days of the Reagan administration.

Yet while Democrats were in control of Congress, their leadership chose to ignore the problem. In fact, in the 1980's, as Ronald Reagan sought to deny liberals in Congress carte blanche access to the tax code to finance their spending binge, they began instead to use State and local governments as unreimbursed instruments of their social welfare agenda.

Between 1980 and 1992, according to the Advisory Commission on Intergovernmental Relations, Congress enacted at least 63 Federal laws that contained mandates that affect State and local governments. These laws do not include the so-called motor-voter law and the Family Medical Leave Act, both enacted in 1993.

An October 1993 study by Price Waterhouse for the U.S. Conference of Mayors found that compliance with just 10 unfunded mandates cost the cities \$6.5 billion in 1993 and a total of \$54 billion proposed between 1994 and 1998.

Undaunted by the impact of these burdens, opponents fear that H.R. 5 will become a major obstacle to their efforts to nationalize the health care system, increase the minimum wage and impose new environmental cleanup costs on States and communities. They plan to offer amendments to exempt from the unfunded mandate prohibition entitlement programs such as welfare

and measures affecting public health and safety. These amendments would essentially gut the bill because the definitions of public health and safety are vague, and most unfunded mandates fall in these categories.

Nine weeks ago, the voters sent a message that they were tired of the unrestrained growth of governments at all levels that has occurred over the past decade while Congress was dragging its feet, paying lip service, scapegoating and passing the buck when it came to streamlining and reforming government.

The reality is that the new Congress cannot act fast enough to end unfunded mandates and reduce the size and scope of government. H.R. 5 takes a significant step in that direction. Combined with a balanced budget amendment, regulatory reform and tax cuts for working families, this legislation will transform Government and restore the confidence that the American people once had in this institution.

Mr. Chairman, I urge my colleagues to support H.R. 5.

Mr. Chairman, I reserve the balance of my time.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield myself such time as I may consume.

(Mr. COLLINS of Illinois asked and was given permission to revise and extend her remarks.)

Mrs. COLLINS of Illinois. Mr. Chairman, as the ranking minority member of the Government Reform and Oversight Committee, let me begin by noting that the issue of unfunded mandates is not a Democratic or Republican issue.

It is fair to say that Members on this side of the aisle have a range of views on the mandates bill—from those who believe it should be stronger to those who would make it weaker.

In the previous Congress, under Democratic control, but the Committee on Government Operations and its counterpart in the Senate passed bipartisan legislation dealing with mandates. At the Government Operations Committee the vote was 35 to 4, including the support of our current chairman and our previous chairman, as well as the same group of State and local officials that support this bill.

Unfortunately, the bill that is before us this year is different from last year's bill. It is also different from the bill described in the Republican Contract With America. This bill was hatched in secret, with no public hearings. Even so, our goal during the floor consideration of H.R. 5 is not to kill it, but to perfect it, and it needs plenty of perfecting.

I intend to discuss this bill, not in the abstract terminology of unfunded mandates, but in the terms of the real world. We know, for example, that our constituents always agree that we should cut entitlements, but when we use the real world terms of Social Security and Medicare—the two largest entitlements—they say leave it alone.

Similarly, unfunded mandates just sound bad. However, I find that when we discuss examples of mandates—from cleaning up our drinking water to better airport security—I get a different response. Therefore, I think you will hear a good deal of debate about what should be covered by the bill, and what should not.

The authors of the bill have made those judgments. For example, they believe it is alright to have an unfunded mandate to the States to pay for national security, so they exempted those bills. Many on our side feel strongly that matters such as child immunizations and cleaning our air and water are just as important. We believe that in their haste to enact this bill, the Republican majority have overlooked these concerns.

We also must ask why this bill should not apply as soon as possible, rather than be delayed until October 1. That will be after the bills implementing the Republican contract, after the bills making huge spending reductions to the States, and after welfare reform and other bills have been considered. If we are serious about this legislation, it should apply now, not after the Republican agenda has been largely considered.

We also intend to raise the issue of the treatment of private and public enterprises. Under this bill, private companies, such as utilities and pipelines, would face more stringent laws than publicly owned enterprises. The question is, why shouldn't a municipal landfill be subject to the same rules as a private landfill? Are the people who live next to the public landfill less deserving of protection? Should the private company be at a competitive disadvantage?

None of these amendments is a killer amendment. They are, however, important perfecting amendments. In the end, the real debate about mandates is not just about their cost, but their effectiveness. Many of the most important mandates were supported by the States, because of the contribution they would make to the lives of their people. These were not mandates passed in the middle of the night. They were passed after years of hearings with the full participation of the States, and usually their strong support. Perhaps this is a reason why the authors exempted current mandates from this bill.

I suggest that before we go overboard on this issue, we look at our record on matters such as clean air and clean water. Have we been successful? You bet. Did the Federal Government help pay the tab? We sure did, with hundreds of billions of dollars. Did States and localities chip in? Yes, they did, and I think they got their money's worth.

Mr. Chairman, I look forward to this debate under an open rule. For those of us on the Government Reform and Oversight Committee, which was designated the lead committee on the bill,

it will be our first and only opportunity to truly discuss these issues.

□ 1300

Mr. Chairman, I reserve the balance of my time.

Mr. CONDIT. Mr. Chairman, I yield myself as much time as I may consume.

(Mr. CONDIT asked and was given permission to revise and extend his remarks.)

Mr. CONDIT. Mr. Chairman, today marks the culmination of years of work by both Democrats and Republicans to put accountability back in Congress. I want to pay special recognition to several Members, the gentleman from Pennsylvania [Mr. CLINGER], the gentleman from Texas [Mr. GEREN], the gentleman from Virginia [Mr. MORAN], the gentleman from Kansas [Mr. ROBERTS], and the gentleman from New York [Mr. TOWNS], and the entire group that made up the Unfunded Mandate Caucus that worked very, very hard to find a solution to this serious problem facing this country.

Our current system of mandating the cost of programs on to States and local governments is a good example of the abuse of power by Washington. Under the current system, we in Congress can pass what we call feel-good legislation. That is, legislation that lets us feel good. We get to feel good and pat ourselves on the back and say what a good job we have done, and at the same time we get to pass the cost on to State and local governments.

Today we are taking a great step in correcting that problem. Today we are putting some accountability back in this Federal Government which simply means if it is good enough for us to debate, it is good enough for us to pass, it ought to be good enough for us to come up with the money to pay for it. That is what we are doing today, Mr. Chairman, and I would encourage all of the Members who think they can make this a better piece of legislation, it is an open rule, they can come and offer amendments and they should do so.

But at the end of the next couple of days we are going to have a piece of legislation that we can be proud of and something that will help local governments and State governments across this country and we ought to be in support of.

Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

(Mr. HAYES asked and was given permission to revise and extend his remarks.)

Mr. HAYES. The gentleman from California [Mr. CONDIT] and the gentleman from Florida [Mrs. THURMAN] deserve a great deal of special credit, even greater to the extent of what is now a majority in Congress because they fought this fight last year as a minority within a majority. Collectively we have on the floor today a bipartisan approach where the realities

of the impact of decades of lack of accountability by the Government to its citizens has risen a tide whereby a majority of the majority and a majority of the minority in that realization are finally going on the RECORD to tell some of the folks at home, to say somebody finally is hearing some of their messages.

While many would talk about the merits of mandates, I would just like to talk about instead the unintended consequences of legislation.

I think Newton's third law ought to apply to legislation, that every act of legislation has an equal or opposite greater reaction. What has happened over decades is we have told towns that have a part-time mayor and no attorney whatsoever to figure out the most complicated regulations devised by a battery of lawyers within Washington, DC, and given a limited amount of time in which to deal with both economic sanctions, penalties, and indeed laws that carry criminal penalties.

So the mayor of a small town in America knows he has a school with asbestos and somebody ought to do something about it, and it is him. He knows he has a Clean Water Act and he has never heard of a section 404 expansion of a public building to what is in wetlands, even though it looks dry to him. He knows he has a Safe Drinking Water Act with a mandate with a \$250,000 cost, which in his town is bigger than his entire tax base and no Federal Government to help him because whatever funding is available is sucked up immediately, and no Federal Government to even answer the question of which to do first. Is it the asbestos before the drinking water? Is it the drinking water before the cleanup on wetlands, or is it the wetlands first before asbestos? No one knows.

In 2 days they expect our collective answer.

Mr. CONDIT. Mr. Chairman, I reserve the balance of my time.

Mr. CLINGER. Mr. Chairman, I am very pleased to yield 3 minutes to the gentleman from Ohio [Mr. PORTMAN], who is a prime sponsor and author of this bill.

Mr. PORTMAN. Mr. Chairman, I thank the chairman for yielding the time and want to congratulate him for getting the bill to the floor after years of effort to do so. It has been a true pleasure to work with him on this critical new mandate relief legislation that really initiates a new Federal-state-local partnership and a better understanding of the impact mandates have on the public and private sectors.

The goals of H.R. 5 are really very simple. First it gives Congress the information on the cost of mandates. Second, Congress must have an informed debate on the issue of mandates. It guarantees floor debate on the issue, and finally accountability. No significant unfunded mandate can now go through Congress without Members having to vote up or down in the public view.

Unbelievably, none of those three things currently apply. That is what this bill gives us.

It is important to note in the debate today, Members may hear some say otherwise, but it is important to note this is not a partisan issue outside the Beltway. In fact, we are here debating H.R. 5 today explicitly because State and local elected officials of both parties have come to us. The outcry has been bipartisan.

All Members have to do is pick up the Washington Post today and look at page A13. The headline reads "Unfunded Mandates Top Cities' List of Problems." The unfunded mandate crisis is listed in the National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities survey as the No. 1 issue ahead of crime, ahead of violence. The National League of Cities, the National Governors Association, the U.S. Conference of Mayors, the U.S. Conference of State Legislators, the National Association of Counties, and individual State and local government officials all across this country have enthusiastically endorsed this approach.

Governor George Voinovich from my own State of Ohio, in the most comprehensive and quantitative State report on burdens caused by mandates, put the problem this way:

The recent explosion of unfunded Federal mandates—174 since the mid-1970's—tells us of a troubling dynamic that distorts governmental accountability. The guardians of the Federal Government have grown adept at a sort of budgetary sleight-of-hand that allows Washington to exert greater influence over other government subdivisions without providing corresponding Federal support.

He is right. Mandates preempt important State and local initiatives, stifle local innovations, force States and cities to reorder their budget priorities and to revamp their budgets. It has led to the total breakdown of the Federal-State-local relationship envisioned by the architect of our government.

Toward that end, the gentleman from California [Mr. CONDIT], a longtime champion of that issue, the gentleman from Virginia [Mr. DAVIS], the gentleman from Pennsylvania [Mr. CLINGER] and myself have introduced H.R. 5 on the first day of this session. It is a carefully balanced approach. It is the result of lengthy consultations with State and local officials across this country, with the Congressional Budget Office, and yes, with the House and Senate Budget Committees, the Rules Committee, and with Members of Congress on both sides of the aisle, experts from the Congressional Research Service, regulators from Federal agencies and many, many others.

□ 1310

It is the result of having carefully thought about the alternatives of a balanced budget.

Again, to clarify, H.R. 5 is a good bill. I look forward to its passage in the next few days.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Wilmington, DE [Mr. CASTLE], the former Governor of Delaware who understands full well the impact of unfunded mandates.

Mr. CASTLE. Mr. Chairman, I thank the gentleman for yielding me this time, and I congratulate everybody who had anything to do with this legislation, but particularly those who worked sort of in the dark a year ago when nobody was supporting it. You have done a wonderful job.

If we can pass the balanced-budget amendment next week, if we can pass the unfunded mandate bill next week, this body will have started the reduction of spending and control unequaled since the beginning of this country.

I know, as a Governor of a State, when I put together our budget in Delaware, for a number of years 20 percent of it went into unfunded Federal mandates, some \$300 million out of a budget of \$1.4 billion.

Mayors, county executives and Governors are elected for a reason. They should put programs into place that will benefit their States, their counties and their towns, and they should not be told from here in Washington exactly what they should do and how it should be done. They should be given the choice of how to move forward.

We have seen restrictions with Medicaid costs, we have seen it with welfare requirements, Clean Water Act.

We need to get the complete picture. I believe if we can pass this legislation, we will have gotten there.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota [Mr. SABO], the ranking member of the Committee on the Budget.

Mr. SABO. I thank the gentlewoman for yielding me this time.

Mr. Chairman, I intend to vote no on this bill.

Let me just say as background, before I came to Congress I spent 18 years in the State legislature, 8 years heavily involved with putting State budgets together, with that primary responsibility in dealing with the relationship of the State to local units of government throughout our State. So I fully understand the impact; maybe not fully, I understand partially, because I do not know if any of us understand fully the impact of the relationship between one unit of government to another, and I understand there is a problem of mandates.

But what I fear is happening here is total overreaching. I find unbelievable that we could start as a basic premise of law, as a Federal Congress, to say to someone like me from Minnesota, at the top of the Mississippi, that if you want to dump your sewage into the Mississippi at the Iowa-Wisconsin border, it is of no relevance to the Federal Government unless the Federal Government pays the full bill. That is the concept of this legislation.

Second, we exempt the most obnoxious things we do except conditions of Federal assistance. Maybe that is appropriate when it is tied to the financial assistance, but we regularly tie in other policy unrelated to that basic program, more often by conservatives than by liberals. We try to tell the States how to structure their sentencing, because we are so much smarter than the State legislatures. That is not prohibited by this bill.

But I have a question to the chairman of the Government Oversight, as I project for us to meet the terms of the contract of a balanced budget amendment by 2002, the tax cut, simply freezing defense outlays, we will need to cut Medicare outlays by program changes by a minimum of \$225 billion over the next 5 years, more than likely \$250 to \$275 billion; Medicare at least \$115 billion, more than likely \$125 to \$150 billion.

Page 25, II, how would that apply as the Congress makes those cuts that are going to be required under the contract?

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. I have to ask the gentleman which version are you referring to?

Mr. SABO. Page 25, II.

Mr. CLINGER. This is in the amendment in the nature of a substitute?

Mr. SABO. No; no. The copy of the bill we have. It says, "This bill applies to anything that would place caps on entitlement upon or otherwise decrease the Federal Government's responsibility to provide funding for States, local government or tribal governments under the program."

Mr. CLINGER. I will be delighted to discuss the matter with the gentleman.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT], the fighter for his district, for the laboring man and woman.

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. In 1978 Congress killed revenue sharing, \$3 billion that returned some taxpayers' dollars back to the cities, counties and the States. Members of Congress called it pork.

Every 2 years since I have been in Congress, Congress has a new tax bill, and each of these new tax bills, the increases are bigger than the previous. Each tax increase is the biggest in American history.

We have given hundreds of billions of dollars of foreign aid since 1985. We have even given Russia \$12 billion in foreign aid. Congress will bail out Mexico even though I oppose it. I can see that coming down the pike.

I support this bill. It is not enough, but it is a start. Because what Congress has said in the past, "Yours is not to question why," to the States and the cities and the counties, "yours is but

to do or die." Let me tell you what they have done, Congress, they have died.

Look at our roads and bridges. Look at our cities. There are 25,000 murdered in America and one million high school graduates who cannot read. Our cities, States and counties have died. They did not have a vote on much of this business.

I want to commend the Republican Party for at least bringing the bill out with some openness so that Members of the Democrat side can offer at least amendments.

But I will say this: I think it is time to start returning, in addition, some of the tax dollars back to our cities, our counties and our States. I plan to introduce a very unpopular bill. The bill will say that we take \$5 billion from the foreign aid account and transfer it to a reopened revenue sharing account for our cities and our States and our counties on a formula basis to use as they see fit.

Because the only choice you have given them is cut services or raise taxes, do or die, and they have died.

I support this bill, and I will continue to support open rules that come from the Republican side, and I commend them for such.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

(Mr. PAYNE of Virginia asked and was given permission to revise and extend his remarks.)

Mr. PAYNE of Virginia. Mr. Chairman, I want to thank my colleague for yielding me this time and to thank him for the excellent work that he has done on unfunded mandates.

Mr. Chairman, for the last 4 years I have cosponsored legislation that has required full disclosure of the cost of Federal regulation on our States and our localities, and I am pleased to see that today's legislation that I have cosponsored has formed the basis for H.R. 5.

For too long now, Congress and Federal regulators have imposed mandates on States and localities without considering the economic burden that goes along with these mandates.

H.R. 5 will require that the cost and benefits of all of these bills brought to the floor must be identified and, as possible, quantified and, as necessary, paid for.

I represent a large rural district in Virginia, and time and time again the towns and counties in my district have been forced to expend their valuable and their scarce resources to comply with mandates that often do not make sense and are often not designed for their smaller communities.

□ 1320

So I am particularly pleased that H.R. 5 recognizes and responds to the specific needs of small and rural towns, counties and cities.

H.R. 5 will require Federal regulators to notify and consult with the officials

of small towns and counties before writing regulations that significantly affect them. This requirement means that, at last, rural communities will be able to present their unique circumstances to the Federal Government and be assured that these circumstances will be heard.

I believe H.R. 5 will help restore the needed balance in the relationship among the local, State, and Federal Governments.

I urge your support for H.R. 5.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mrs. THURMAN].

(Mrs. THURMAN asked and was given permission to revise and extend her remarks.)

Mrs. THURMAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise today in strong support of ending the practice of the Federal Government placing unfunded mandates on our State and local governments and our businesses. Like other Members of this body, I have a background in State and local government. All of us who came here from State and local governments know first hand about the problems that have been created when the Federal Government issues orders, but no money to carry out the mandate. While serving as a member of the Florida Senate, I helped pass an unfunded mandate prohibition after considerable deliberation.

With that I must add my sense of regret about the process under which this bill is being considered. This is a very, very important and complex piece of legislation. As a member of the Government Reform and Oversight Committee, I had hoped that we would have held at least one hearing to examine all ramifications of H.R. 5, as we did with the line-item veto, but instead of hearings we proceeded directly to markup. While this bill is based on legislation that my colleague, the gentleman from California [Mr. CONDIT], introduced and I voted for during the previous Congress, there are significant changes that should have been discussed during this hearing.

Even more unfortunate is the fact that during the markup I know for myself that we asked questions that we were asking for clarification and that would have given us a better understanding of what potential harm this bill might cause. Most important, matters were not resolved during the markup.

The question of the impact of this bill on the private sector when the State or local entities opt out of Federal mandates remains unclear. Fortunately, an amendment was approved during markup to exempt social security from the provisions of this bill, which I supported. But we had some other amendments, Medicare, laws and regulations protecting the elderly, infants, children, pregnant women, other worker protection laws for workers.

I am also concerned about an issue raised by the gentleman from Mississippi [Mr. TAYLOR] regarding sewage treatment laws. I understand that he will offer an amendment to exclude from the bill laws relating to sewage treatment, and I intend to fully support him in his efforts.

In closing, let me once again express my strong support for ending unfunded Federal mandates.

Mr. CLINGER. Mr. Chairman, I am now very pleased to yield 3 minutes to another prime cosponsor of this legislation, one who has been a very active participant in the drafting of this legislation, the gentleman from Virginia [Mr. DAVIS].

(Mr. DAVIS asked and was given permission to revise and extend his remarks.)

Mr. DAVIS. I thank the chairman for yielding this time to me.

Mr. Chairman, I am proud to stand on the floor of the House today to support passage of H.R. 5. As one of four chief sponsors of this legislation, I have had the privilege of working with colleagues from both sides of the aisle to craft a bill that will finally require Congress to put a price tag on Federal programs that mandate State, local, and private sector action.

I may be a new Member of this body, but I am no stranger to the problem of unfunded mandates. For the past 15 years I have served on the front lines in the struggle against unfunded Federal mandates. As chairman of the county board of supervisors in Fairfax for 3 years and as a member of that board for 12 years, I have witnessed the hardship caused when local taxpayers must pay for the cost of Federal requirements before being allowed to allocate money to hire police officers and teachers and other needed programs.

Last year I testified before Congress on this issue in my capacity as cochairman of the National Association of Counties' unfunded mandates task force.

This bill is unanimously and strongly endorsed by not only NAC but also groups like the National Governors' Association, U.S. Conference of Mayors, and the National Council of City Legislatures, Council of State Governments, National League of Cities, and even the U.S. Chamber of Commerce. And the list goes on and on. These organizations recognize that the heart and soul of government is local government and that local tax dollars must be used to fund local priorities, not having priorities set from Washington, DC. This bill is both forward-looking and preventive in nature. This legislation does not touch any existing mandate and does not reduce any existing health or safety standard.

Further, this is not a debate about the pros or cons of any specific Federal mandate. Instead, this bill forces Congress to ask the following questions before voting for unfunded mandates: Who pays; what are the benefits relative to cost; what is the impact on

local priorities; does local government have the appropriate flexibility to carry out mandates in the most appropriate fashion? Congress has passed 72 unfunded mandates in the last 9 years as compared to only 19 between 1970 and 1986.

In my county we compiled the costs of 10 of these and found that they cost \$30 million annually.

The unfairness of the increasing number of Federal mandates is that State and local governments are left with no flexibility, they must either raise local taxes or cut local services like emergency medical care, fire fighting, education, and the like.

This legislation can be summarized by three words: priorities, honesty, and accountability. H.R. 5 discourages the Federal Government from forcing its priorities onto local governments without allocating the necessary Federal funds.

Next, this bill forces Congress to be honest with the American people about the programs and regulations that it creates. Taxpayers deserve to know the price of a program or regulation before they are forced to buy into it. For the first time this forces Congress to honestly determine the cost of mandates before imposing them on local taxpayers.

Finally, H.R. 5 is about accountability, making Members of Congress stand up and cast a recorded vote on all substantial mandates with full knowledge of their costs. This bill allows Congress to continue to enact legislation with mandates, but the financial consequences of the mandates will be premeditated and deliberate.

I ask support of the passage of this important and long overdue legislation.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from Monticello, IN [Mr. BUYER], a member of the Committee on Armed Services.

Mr. BUYER. I thank the gentleman for yielding this time to me.

Mr. Chairman, for far too long the Federal Government, I believe, has usurped the 10th amendment of the U.S. Constitution. That specific intent of our Founding Fathers was to recognize States rights. This usurpation has stifled the growth of not only the Nation's business because of the cost of compliance with many Federal mandates, but I am also very pleased that finally this body will recognize States rights and will insure that States and local communities are allowed to determine how best to resolve their problems. It must also be fully aware of the burdens it is placing on the business community and those in the public sector.

You see, many across this Nation, elected officials, local responsible leaders, have been called, challenged to solve many of many of the local problems, create economic growth and development and provide necessary services at minimal cost.

However, the Federal Government for years has been redefining the responsibilities of the local level as being held to comply with Federal regulations, forcing them to sift through the Federal bureaucracy to obtain grants and Federal assistance. The time is now to stop that. Let us pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 5 minutes to the gentleman from the Commonwealth of Virginia [Mr. MORAN], formerly of the Commonwealth of Massachusetts.

Mr. MORAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, we just heard from our good friend from Fairfax County, TOM DAVIS, who was my neighbor. He chaired the Fairfax County Board of Supervisors as I was mayor of Alexandria.

Like Tom, when I came to this Congress 4 years ago, my highest priority was to do something about unfunded mandates because they were unfair. The worst part about it was that the executive branch took a cookie cutter approach, one size fits all, regardless of the geography, demography, or cost.

They also did not seem to be willing to talk with us, to work things out, to exercise judgment.

So I authored what we call the FAIR Act, the Fiscal Accountability and Intergovernmental Reform.

We worked on it for 4 years. Virtually everyone on this bill was a cosponsor because in the last term we had 250 cosponsors. That bill had the support of every one of these local organizations that we have mentioned today, National League of Cities, Conference of State Legislatures, several of the larger ones, even the support of the U.S. Chamber of Commerce and virtually every business group.

□ 1330

It should have been passed last year. It is a source of great frustration that it was not. The principal reason that it was not is that we in the Democratic Party are responsible for most of the Federal legislation that has been passed over the last 40 years. Of course each one of those pieces of legislation created their own interest group who want to protect their own turf, and so it was impossible to get through their special-interest lobbying efforts to get a reasonable bill. Eighty percent of that bill that had such overwhelming support is in this bill. But it is the 20 percent that causes the problem, and the biggest problem is one of unintended consequences, so that is why I do not speak in an accusatory way of people that are supporting and sponsoring this bill. But I have to share my concerns.

The first concern is that it will completely limit the Committee on Appropriations from being able to exercise judgment. In fact, in the explanation for this bill in the National League of Cities' publication, which was just published, it says for any program over \$50 million it creates an entitlement to

fully pay for the mandate. Now 75 percent of the Federal budget goes for existing traditional entitlements, Social Security, Medicare and the like, interest on the Federal debt, and Defense budgets, so we are only talking about 25 percent of the budget. For any new Federal program to get passed, it has to be fully funded by the Committee on Appropriations. We now have to deal with a pay-as-you-go requirement that there be new revenue raised to pay for any new initiative or other programs cut. It is exacerbated by a balanced-budget amendment that may very well pass within a week, and it is further exacerbated by the intended cuts of almost a trillion dollars over the next 7 years. So, we do not have the prerogatives to exercise judgment.

The second problem is that it treats the private sector different than the public sector. The unintended consequences: there will be no more competition between the private sector and the public sector, and in fact all of our privatization efforts where we contract out to the private sector will no longer be available because the private sector will have to comply with laws and regulations, whereas the public sector will exercise the option of not complying because the reality is that there is no money to pay for any new initiative.

Now we are told that no program that currently exists when it is reauthorized applies to this. There has never been reauthorization that was identical to the existing authorization. We always expanded upon it. Every committee puts its mark upon it. We expand its scope, and we expand its costs, so it means every Federal program ultimately will fall under this unfunded-mandate legislation. Virtually everything will become optional to States and localities, and the unintended consequence is that unfunded mandates will be eliminated. But the biggest problem on States and localities is going to be unfunded burdens, and within 5 years I guarantee my colleagues those States and localities will be coming back to us to relieve the burdens that ultimately were created by this legislation.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. TANNER].

(Mr. TANNER asked and was given permission to revise and extend his remarks.)

Mr. TANNER. Mr. Chairman, we have been working on this approach for a long time, and my colleagues will hear and have heard a lot of rhetoric about what the approach will and will not do. Let me try, if I may, as a former member of the State legislature in Tennessee and after speaking with the president of the U.S. Mayors' Conference from my own State of Tennessee in Knoxville, Victor Ashe, let me try to say succinctly what this approach will do.

This bill is about having accurate information on the costs of a given statu-

tory provision being considered and encouraging the Congress to consult with State and local government representatives about how best to address the Nation's problems. My colleagues, this is not going to cause or prevent something good, and needed, and necessary in this country from happening. It will encourage the Congress to consult with local, and State, and Federal, and municipal officials, county officials, and that, after all, is what we all desire. This is a federation of States, this country, and I think this is a huge step in the right direction to fulfill the American exercise in self-government.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. SCHIFF], the vice-chairman of the Committee on Government Reform and Oversight and a very active participant in the drafting of this legislation.

Mr. SCHIFF. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I think it is time that the Congress of the United States became a more responsible institution. I think we took one step in that direction on the first day of the 104th Congress when we enacted a number of very needed reforms, including making the Congress susceptible to the laws that it passes upon everyone else, and other reforms. I think we are moving towards fiscal responsibility as I believe, ultimately in a bipartisan basis, we move toward a balanced budget. This bill, H.R. 5, which I support, moves us towards regulatory responsibility.

It has been pointed out already, and I am sure it will be pointed out further in this debate, that there are times when mandates from Congress that cover the Nation are necessary, and in those instances there is nothing in H.R. 5 that prevents the Congress from enacting such legislation. But this matter of imposing mandates on the States has gotten beyond the realm of responsibility, that without regard to costs versus possible benefits, if any, almost any whim in Congress gets imposed upon the States because Congress has no responsibility for paying for that.

Now, for example, a number of rural communities in New Mexico, where I come from, say that amendments to the Clean Water Act threaten to bankrupt them because they are required under those amendments to test for substances that have never been found in the waters in their areas. Similarly in the city of Albuquerque, where I live, which has met Federal clean air standards for the last several years, nevertheless the Federal Environmental Protection Agency is going to require the city of Albuquerque to make expensive changes in how it tests for air quality and how it insures that automobiles do not exceed air quality standards. Now the point is, assuming the validity of Federal air quality

standards, if any locality meets those standards, why should the Federal Government even further say, "You have to do it at your own expense, make certain changes"?

H.R. 5 will make the Congress accountable. H.R. 5 will require us to identify mandates that we are imposing on State and local governments, and, if they are valid, we can still pass them, but we will have to do so on the record recognizing the cost first.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mrs. CLAYTON].

(Mrs. CLAYTON asked and was given permission to revise and extend her remarks.)

□ 1340

Mrs. CLAYTON. Mr. Chairman, I speak as a former county chair of my board of supervisors and know the fact how unfunded mandates are indeed impacting the rural counties. But I think as we who may consider this bill need to raise some question, therefore we should not be blind supporters of a bill that may undergird the very things we think we support.

Therefore, I ask, Mr. Chairman, that safety in the workplace has been a priority of the Federal Government for more than half a century, since the enactment of the Fair Labor Standards Act of 1938. In 1970 the issue was treated squarely with the passage of the Occupational Safety and Health Act.

The Unfunded Mandate Act tends to threaten this. If indeed what you say is true, then I think you will indeed support my amendment when it comes forward to make sure that you say to the American people that you want to in fact protect children, you want to protect women.

I raise this issue because in North Carolina, some may remember there was a very serious fire, which in fact claimed the lives of more than 25 persons. Is the intent of this legislation to say that the Federal Government no longer has an interest in the safety of people? Is the intent of this legislation to say that the Federal Government is removing its responsibility in cooperation with States?

I would say to you that the cost to the State of meeting the minimum standards imposed by the Federal Government is really not that severe. They only pay for inspectors. Therefore, Mr. Chairman, I ask as we consider this, this is not a matter that should be rushed into unless we ensure to protect the American people.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for yielding time.

Why would our colleagues GARY CONDIT and Mr. GEREN and Mr. MORAN, Mr. CLINGER, Mr. PORTMAN, and this

Member, and 100 Members of this Congress on both sides of the aisle, join together in a posse, if you will, and indicate that they would work very hard for some kind of bipartisan bill to deal with unfunded mandates and call ourselves the Unfunded Mandates Caucus?

I credit them in regards to their leadership, more especially Mr. CONDIT, who has persevered on this issue, and now we are about to achieve something that I think will be real progress.

I will tell you why: The cost of Federal regulations today is more than \$400 billion annually. That is more than the deficit. The Federal Government now has 122,000 regulatory personnel. The Federal Register has grown from 55,000 pages to 70,000. And in 105 counties in Kansas, every county board meeting that meets, every time during their budget considerations half of their expenditures must go to some form of Federal mandate. Some may be needed, many more are not. And many are silly and counterproductive and destroy the one element, the one issue, that is most important of all, and that is the faith and confidence of the American people in their Government.

There are some that say we need more hearings. My word, we have had hearings for 3 years. Mr. CONDIT and I wrote the then majority leadership of the appropriate committee, asked for hearings, were denied, had a hearing, had a bill reported, does not do enough. This bill does.

I will tell you why hearings have been held. Every school board, every county board, every city council, every country commission, every cooperative board, every business up and down Main Street, every Member in this Congress has had to go to bat on behalf of a community or a county or an individual or a business.

Those hearings have been held. Let's pass this bill.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from New Mexico [Mr. RICHARDSON] who is the House of Representatives' at-large Ambassador to Korea.

(Mr. RICHARDSON asked and was given permission to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Chairman, I rise to remind Members that we need to protect the ability of this body to respond to problems and crises that come up unexpectedly in our society. We cannot be bound by some bureaucrat who looks in his crystal ball and thinks he sees an unfunded mandate. For this institution to be bound that way is not only ridiculous but even blurs the separation of powers.

I appreciate the need to address the problems of unfunded mandates. But we have not been given the time to think through all the possible impacts of this legislation. In the past when we had problems in our meat-packing industry, we responded with appropriate regulations to make sure that minimum safety standards to protect both the workers and the public were cre-

ated. Will we be able to do the same after this legislation?

When it became known that small children were being forced to work 12 to 14 hours a day in terrible conditions, Congress and the Federal Government responded with appropriate child labor laws to ensure that our children would not be treated like animals. Will we still be able to take this kind of action or will we be stopped by some bureaucrat.

When the public became alarmed about mine safety and subhuman working conditions for miners, Congress and the Federal Government responded with the Mine Safety Act. What would we do now?

Ironically, at a time when we are talking about less bureaucracy here in Washington, we are creating more to try to identify unfunded mandates not only for government but for the private sector. Bureaucrats doing lengthy analyses of whether there is an unfunded mandate in an amendment or a bill. With this expanded bureaucratic structure, we may not be able to overcome gag rules imposed by the imperfect foresight of a bureaucrat.

I hope our friends from the other side of the aisle will return our process for considering legislation to what it should be—a full and careful reading of the intended and unintended consequences of passing a bill.

Legislating should not be a guessing game. In the future weighing the merits of a bill could easily be reduced to a guessing game. Is there an unfunded mandate or isn't there? In many cases, we will be left to guessing because there will not be time to do much else.

I do not think that is what the American people want. They want an active voice in their Government. They want safeguards on drinking water and against pollution in the air, on the land, and in the water, if those are needed. Congress must be able to respond to the will of the people and not be gagged by a bureaucrat or anyone else. We do not want to be left in the embarrassing position of explaining to constituents how Members of Congress gave up their abilities to represent them to bureaucrats. I can assure you that is not what the American public wants.

Mr. Chairman, we agree that the Federal Government should be more accountable for the laws it passes. The Republicans are pushing a bill that says, in effect: if the Federal Government requires States to do something, it also has to pay for them to do it. That's not necessarily a bad thing. The Federal Government should be more accountable for its laws and regulations.

The little guy gets hurt. But the requirements we're talking about are things like clean air and clean water—crucial environmental protections. And in their rush they are completely ignoring who gets hurt—the little guy. The families who don't want polluted drinking water. The children who would have to breathe polluted air, because some think that a vague idea of "States rights" is more important.

Make no mistake: if this bill passes, we could be forced to completely abandon all efforts at clean air, clean water, safe foods, and so forth. The bill says: If the Federal Government doesn't pay 100 percent of the cost of some crucial protection, then we can't have that protection at all. That would mean the end of many of the most important Federal safety and environmental standards.

By rushing this legislation through without thinking it through, we could have unintended consequences that are devastating to families and children. How can we just ram through a bill that touches on all of the most important air, and water, and workplace safety, and even crime protection laws without taking a closer more careful look?

Democrats are fishing for amendments that will exempt the most important family safety protections from the "Uncle Sam pays for everything" provision. We're not going to allow struggling families to lose the clean air and clean water and environmental safety they demand and deserve, just to serve a handful of large companies. To rush this through without improving it is a grave mistake.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. CONDIT] and ask unanimous consent that he may further yield the time as he so chooses.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I wish to thank the gentleman for yielding and for his leadership on my side of the aisle on this issue and to the chairman and to his party for allowing this issue to come to a vote.

I would like to speak briefly on the issue of accountability. It has been said that ignorance is bliss. Perhaps so, but for too long the bliss of this body has fostered the chaos of others. With the passage of this legislation, Congress will no longer have the excuse nor the luxury of irresponsibility, both of which are the handmaidens of ignorance. We will know what our legislation will cost and who will be expected to pay that cost.

This bill will not prevent needed legislation from passing, but it will require that the full effect of legislation, including the cost, be acknowledged by this body. No longer will Congress have the luxury of going to the candy store and sampling the wares and expecting somebody else to pay for our visit.

It may signal the end of an era of bliss based on ignorance and the beginning of a time of responsibility and accountability based on facts. All of us should welcome this new era.

□ 1350

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. I commend the sponsors of the legislation, the gentleman from Ohio [Mr. PORTMAN], the gentleman from California [Mr. CONDIT], and the gentleman from Pennsylvania [Mr. CLINGER], who serves as chairman of our Committee on Government Reform and Oversight, for their efforts in bringing this important measure to the floor.

I support H.R. 5 because it effectively addresses congressional accountability. This body will no longer be able to casually approve legislation in Washington and send the bill home in the form of future increases in State and local taxes. This legislation will enable Members to more fully analyze the possible future consequences of new mandates by requiring the Congressional Budget Office to prepare cost estimates of proposed mandates in pending legislation. By approving this bill we will demonstrate to our Governors, mayors, and city officials that we will consider the budgetary burdens they face when they struggle to alter their budgets to respond to the cost of any additional Federal mandates.

Accordingly, Mr. Chairman, I urge our colleagues to forge a fairer partnership with our State and local governments by supporting this important measure.

Mr. Chairman, we must be acutely aware that many of these Federal mandates override existing State programs, thereby unintentionally tying the hands of State and local officials. The Federal Government must give deference and allow State and local bodies to use their unique knowledge of the specific local problems they face to formulate their own specific solutions. When this deference is not given, a well-intended piece of legislation can impose a burdensome requirement that mandates a less effective or more costly solution than measures previously instituted by State and local authorities.

For example, the General Accounting Office reported in April 1994, that in Alexandria, VA, local officials had instituted a program that used local taxicab companies to transport disabled persons door to door at city expense. However, after implementing a mandated requirement to modify local buses to permit access for the disabled, the city could no longer afford to provide the taxicab service. As a result, wheelchair bound residents now have to provide their own means of transport from bus stops that can be at a lengthy distance from their homes.

H.R. 5 will allow this body to avoid unintended ramifications of Federal legislation, similar to those consequences that adversely affected the handicapped residents of Alexandria, VA. To this end, I encourage my colleagues to support this much-needed measure.

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, I am reluctant to oppose H.R. 5, because I think that its basic purpose is sound and important. Gone are the days when Congress can heap miles of mandates upon State and local governments without regard to what these requirements cost.

Let there be no mistake, I support unfunded mandates reform legislation. Last year, I proudly voted for a well-crafted bill in Congress. But this bill has many serious problems.

My first problem is one of process. It is ironic that the very first bill to be reported out of the newly renamed Committee on Government Reform and Oversight was forced through the committee in a very heavy-handed way without a public hearing, even though this bill has the potential of affecting the basic environmental, health, and safety regulations afforded the American people. That is not Government reform, Mr. Chairman. It is simply a partisan power play.

But this debate should not be one about process. It should be about progress. Mr. Chairman, my concern is that the bill before us, however well-intentioned, will roll back the progress that the Federal Government has made in protecting the fundamental rights of the American people, the right to breathe clean air, drink pure water, eat healthy food, work in a safe workplace.

I am sympathetic to the need of States and localities to know how much they are required to pay to meet Federal mandates, but I cannot support a bill which would effectively remove the Federal Government as the safety net of last resort for the average American and one that was pushed through the process in a way that would have made Huey Long very proud.

Mr. BEILENSON. Mr. Chairman, for purposes of debate only, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mrs. COLLINS of Illinois. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

The CHAIRMAN. The gentleman from Illinois [Mr. DURBIN] is recognized for 3 minutes.

Mr. DURBIN. Mr. Chairman, this is not a routine or simple bill. This is a bill of vast significance.

The unfunded mandate bill, taken together with the balanced budget amendment, if both are passed and signed into law, will call for a significant reordering of priorities in government between Federal, State, and local branches.

Now, I do not at this point suggest that we will prevail on the minority side, but I hope that some of the amendments we offer will be considered by our friends in the Republican majority.

This bill, the unfunded mandate bill, is a basic and sound, good concept. I was happy to cosponsor legislation by the gentleman from Virginia [Mr. MORAN] addressing the same subject last year. But in this session of Con-

gress, the Republicans have gone too far, too fast, and their approach is too extreme.

This bill comes to the floor without a public hearing. Consider the significance of this bill and the fact that we have not invited those who will deal with it to talk about its consequences.

As a result, in their haste to pass the bill, the Republicans have ignored many real health and safety problems they are going to create. The unfunded mandate bill in many ways puts the health and safety of our families at risk. This bill is about the water that flows in our streams and rivers. It is about the water our children drink and whether or not that water is going to be pure and safe. It is that basic. It is that simple.

By exempting State and local governments from so-called Federal mandates for clean drinking water, for clean water and clean air, we are, in fact, involved in a gamble, a gamble that States and localities will do the right thing.

My district is on the Mississippi River. We have virtually a third of the continental United States pouring into that river. States upstream and localities which decide that they are no longer bound by Federal standards may or may not live by those standards. If they do not, my constituents in Illinois will pay for that decision.

I think each and every one of us wants to go to bed at night confident that basic issues about safe drinking water, about nuclear waste disposal, about the safety of landfills, are consistent nationwide. If someone moves from one State to the next, they should have confidence that their family is still safe. Unfunded mandates can also hurt private business, holding them to higher standards than their government competitors. Now, is it not ironic, the first action of the new House under the Contract With America was to pass a rule applying all the laws that we have enacted to ourselves as they would apply to private citizens. And now the second act of Congress, with this legislation, is to enact a principle that State and local governments should be exempt from those same laws. I think that is fundamentally inconsistent. I would suggest to the Members of the House that this bill deserves thorough scrutiny before we give it our approval and passage on the floor.

Mr. GOSS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Knoxville, TN [Mr. DUNCAN].

(Mr. DUNCAN asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this bill and urge its passage. I am pleased to be a cosponsor of this very important legislation. Every year since I have been in Washington, our outgoing Governor from Tennessee,

Governor McWherter, has visited with members of the Tennessee delegation and has said, Please, no more unfunded mandates.

Governor McWherter is a Democrat and a good friend of mine, but this is not a partisan issue. This legislation has broad bipartisan support.

Unfunded mandates are costing our State and local governments billions of dollars every year. In fact, a recent Price Waterhouse study for the U.S. Conference of Mayors estimated that just 10 selected mandates will cost our Nation's cities \$54 billion over just the next 5 years.

My own hometown of Knoxville currently spends millions of its budget complying with Federal mandates, many millions. Mayor Daley of Chicago held a press conference about a year ago which was reported in the Washington Post and the lead paragraph estimated that unfunded mandates were costing State and local governments hundreds of billions of dollars a year and Mayor Daley said that unfunded mandates were costing his city of Chicago alone \$160 million a year.

The State of California is forced to spend \$8 billion a year annually as a result of unfunded Federal mandates.

In the meantime, local priorities like education and fighting crime are being forced to take a back seat to this other legislation. And local taxes are going up to pay for the cost of these mandates.

According to the Republican Governors Association, Congress has passed a total of 72 unfunded or insufficiently funded mandates just since 1986. At the same time overall Federal aid to States has declined from \$47 billion in 1980 to \$19.8 billion in 1990.

□ 1400

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Mississippi [Mr. PARKER].

(Mr. PARKER asked and was given permission to revise and extend his remarks.)

Mr. PARKER. Mr. Chairman, I rise in support of H.R. 5. It is not the intent of unfunded mandates reform to eliminate or scale back good programs that help people. The intent is simply to require the Federal Government to pay for the mandates it imposes on the States and municipalities.

This is not a difficult concept. It is totally logical. As individuals or a government it is irresponsible to attempt to do everything that may be good and helpful without regard to affordability. The fact is, individuals don't have such a luxury. Only government can do good works and let somebody else pay the cost.

Forcing cities and towns to raise local taxes to pay for federally imposed mandates to the point that taxpayers move away from the town is not helpful. Making local budget decisions in Washington by setting local spending

priorities through the Federal regulatory process is absurd.

By the same token, forcing small businesses to close because they cannot afford the cost of compliance is equally pointless. While we are not addressing the private sector problem with mandates in this legislation, I hope we eventually will do so.

These are the issues at stake in unfunded mandate reform legislation. We need to insert reason into our legislative process and get back to reality.

I support many of the laws that the opponents of H.R. 5 say are at risk if a prohibition on unfunded mandates is passed. However, that support does not preclude my belief that we must be willing to pay for what we believe in. If Washington cannot afford to pay for these grand ideas that we come up with and consider to be so right, why do we think that States and municipalities can?

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to say a word to the dads, the fathers out there who, like me, have daughters in college or in school at some level. In the late 1970s a mandate law, an unfunded mandate called Title IX, came into effect, and probably every Member of this Congress at that time heard from their colleges saying, "Don't do it," their universities saying, "It will cost too much." I heard from Montanans, particularly the male jocks, saying "This is a terrible idea. Don't do it", but we did it.

Today my daughters are on the playing fields in organized sports in the colleges of Montana, and our daughters are playing basketball, and our daughters are playing tennis, and our schools have to spend the kind of money on our daughters, at least to some degree, that they have to spend on our sons.

Mr. Chairman, I have read this carefully. Given the political pressure that came to us in the late seventies, Title IX, if this bill had been law, Title IX could never have passed this House, would never have gone into effect.

I like the fact that my daughter plays basketball. I like the fact that that was a mandate from the Federal Government, and no, I do not believe that the taxpayers of this country should be subsidizing the University of Montana just so my kid can play basketball. I think that is up to the taxpayers of the University of Montana.

Please, my colleagues, please be a little more thoughtful. Please go carefully with this. There are such things as basic rights, and if the States and the schools of this country cannot do it, the public, through their Federal Government, has a right to say under the Constitution of the United States "You must do it and you must pay for it".

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to the gentleman from Florida [Mr. MICA], a very valued Member and chairman of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight.

Mr. MICA. Mr. Chairman, during the 103d Congress I had the opportunity to serve on the House subcommittee that considered unfunded mandate legislation. Our subcommittee held hearings both in Washington and field hearings throughout the country. We heard local officials testify in Pennsylvania, for example, that it would be cheaper to deliver bottled water to local residents rather than comply with proposed new Federal mandates.

We heard that most local governments operate under restrictive mileage or tax caps, and are also required, unlike Congress, to balance their budgets. We clearly heard that Congress, through unfunded mandates, has pushed them to their financial limits.

In my congressional district, our subcommittee heard our Orlando mayor explain how Federal mandates required needlessly taking naturally occurring substances out of our drinking water at one point in the treatment process and then replacing them at another point, at a very high cost. Unfunded Federal mandates have now become the greatest single source of increases in local taxes.

The problem today, Mr. Chairman, is little different from the problem in 1776: taxation without the consent of local representation. Think about it. Today Congress has replaced the distant parliament passing edicts from afar. Today King William has replaced King George, signing off on more laws and rules and edicts. Today our State and local governments have replaced the former colonies. Today they are now mere puppets, with Washington pulling the strings and choreographing a costly dance.

Quite frankly, Mr. Chairman, some people in Washington like it that way. They would like to keep it that way. They still believe that Washington knows best. They want to keep central control, and they cannot believe that people beyond the beltway can actually think and act responsibly on their own.

For those and other reasons I urge the passage of this historic legislation.

Mr. Chairman, although some people here just don't get it, the people have rebelled.

Without firing a shot, they're thrown the old ways overboard. Why? Because Americans have been over-mandated, over-regulated, and over-taxed from Washington. They have clearly said they are "mad-as-the-dickens" and they're not going to take it anymore. That is clearly why we have this legislation before us.

For too long our Federal elected representatives have passed good-sounding and well-intended mandates to State and local governments.

Unfortunately, these "edicts from on high" have reached a new low.

Over 170 laws have been passed in the last two decades that have imposed billions upon billions of dollars in unfunded Federal mandates.

While this legislation may not stop all unfunded Federal mandates it will create speed bumps and stop signs for halting the enactment of unnecessary Washington edicts in the future.

To those who say this legislation will prohibit the Federal Government from mandating protection of our environment, public health or safety, I believe the term used "out West" would be appropriate here: "That's a lot of Hefferdust." If a mandate is important enough for Congress to pass, then it is essential for Congress to fund.

Mr. BEILENSON. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. MILLER]

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, this legislation strikes at the very heart of the body of laws that bind us together as a progressive society, and with the highest standard of living in the world, the body of law that ensures that no matter where you live in this country, you can enjoy clean water; that no matter where you live in this country, local government and the private sector are working every day to improve the air that you breathe, so we no longer have to send our children indoors because it is too smoggy out. We no longer have to tell our senior citizens they cannot go out for a walk because the air quality is too bad, or we cannot drive to work because they do not want the automobiles on the road.

These are the laws that accomplished those successes. These are laws that said "Yes, if you take money from the Federal Government, we are going to put onto you an obligation to educate the handicapped children of this Nation," because before that was the law, the handicapped children of this Nation could not get an education in the public school systems run by the States and localities that we now say are so ready to do the job.

But for that law, tens of thousands of handicapped children, because they have cerebral palsy, because they have Downs syndrome, would not be allowed in our public schools, but that is a Federal mandate. Yes, we pay part of the freight, but this law would say "Unless the Federal Government presents 100 percent of it, no school district would be required to educate that handicapped child. Unless the Federal Government spends 100 percent of the money to clean up the local water supply, the local sewage treatment, the city would have no obligation."

What happens along the Mississippi River in Indiana or Minnesota if they choose, or in Ohio, if they choose not to clean up the municipal sewage because the Federal Government will not pay 100 percent? That means the people in Mississippi and Louisiana have to inherit that sewage.

An unfunded mandate upstream is untreated sewage downstream. What does that mean to the fishermen, to the commercial enterprises, and to the tourist industry in those States? It means they suffer. That is why we have national laws.

When I was a young man you could smell San Francisco Bay before you could see it, but now we require all of the cities, not just the town that I live in, not just the oil industry, not just the chemical industry, but the cities upstream and downstream. Some of them, we had to take them to court to tell them to clean it up. Today San Francisco Bay is a tourist attraction. Commercial fishing is back. People can use it for recreation.

That is what these mandates have done. Yes, we have not paid 100 percent, but we have put billions and billions and billions of dollars into helping local communities make airports safe so they could become international airports, so people would have confidence in going to those cities. We have cleaned up their water and air. We have made it safe to drink. That is what this legislation is an assault on.

Mr. Chairman, the proponents of this legislation would have us believe this is a simple and straightforward initiative: Congress should mandate the States and local governments to do nothing that Congress is not willing to pay for in its entirety.

In fact, this legislation strikes at the very heart of the entire concept on which our Government is based. Government does have the responsibility to require that those in our societies—private individuals, businesses, and State and local governments—meet certain responsibilities.

Even the drafters of this legislation recognize that some mandates need not be paid for. They are ideologues of convenience. They do not require we pay for compliance with civil rights and disability laws. But they would compel funding for actions relating to public health and safety, protection of the environment, education of children, medical services to our elderly, safeguards to our workers.

And they would require that we pay only when that burden is imposed on entities of government. Private industry, many of which compete with State and local government in the provision of services, is accorded no relief. And those who work for Government, performing exactly the same services as those in the private sector, are potentially denied such basic protections as minimum wages, worker right to know about hazardous substances, and OSHA protections.

Never mind that the same State and local governments to whose aid we are rushing impose precisely the same unfunded mandates on lower levels of government.

So, I think this clearly demonstrates what is going on here: this is not about unfunded mandates: It is about undermining this Nation's environmental, education, health and labor laws, and wrapping the attack in the flag of unfunded mandates.

The last time we tried this deceptive tactic—cutting away at the basic role of Government in the name of cost savings—we tripled the national debt in 8 years.

But let me take issue with the very name of this concept—unfunded mandates.

Unfunded? Really?

We have spent tens of billions of dollars helping States and local communities meet these mandates by improving water systems, upgrading drinking water supplies, building and improving transportation systems, improving education programs, and on and on.

Have we funded every mandate fully? No. Should the Federal Government have to pay States and local communities to protect their employees, their environment and their public health and safety? Because let's remember: A lot of them were not protecting those people and those resources before the Federal mandates came along.

No, we haven't funded every dollar. But have we covered 50, 75, 90 percent of the cost of many of these projects? Time and time again.

And have we provided these same State and local governments with hundreds of billions of dollars to build, expand and improve highways, rapid transit and harbors and to respond to disasters—even when there was no Federal responsibility to provide a dollar? Have we provided money to assure that communities are safe from nuclear power plants and hazardous waste sites? Have we provided money to educate the handicapped, to train the jobless, and to house tens of millions of Americans?

I have little doubt that those who champion this legislation fully expect that its passage would have no effect on our willingness to fund their future actions in these areas. They are very wrong. Every State and community should be aware that the appetite of the Congress for funding local projects and programs that fail to meet a Federal standard of quality and protection and performance is going to be very minimal, particularly in light of the coming effort for a balanced budget amendment that would slash Federal spending radically.

So I think we should proceed with some caution here. If the States and local communities don't want the mandates, don't expect the Federal dollars either.

I find it somewhat ironic that in my own State of California, for example, the Governor has failed to come up with his promise of matching funds for the \$5 billion in Federal disaster aid following last year's Northridge earthquake. Now he wants more Federal money for earthquake assistance; and he will want more still for the flooding, and he'll probably throw in a few billion dollars' worth of dams and other infrastructure from Federal taxpayers.

Yet he is one of the biggest proponents of this unfunded mandates legislation—and the same time that he forces unfunded mandates down the throat of every county and city in California.

We see that kind of hypocrisy in the legislation before us today.

In case you didn't read the fine print, this mandate ban neglects to include the dozens of new unfunded Federal mandates contained in the Republicans' Contract With America. Just the mandates in the welfare bill alone could bring the States to their knees. But all those new mandates are exempted, even though none of them have yet been enacted into law. So much for being honest with the American people.

Let's be very clear what this legislation is going to do to some of the most important laws this Congress has passed and has spent billions of dollars helping States and local communities implement.

Safe drinking water. We have upgraded the water supply across this Nation, virtually eliminating disease, contamination and danger. Much of that has been paid for by Federal dollars. Which local community would like to have taken on that task without Federal assistance? Which Americans want to put the future and the consistency of our safe drinking water at risk through this legislation?

Clean water. You used to be able to smell San Francisco Bay before you could see it. You used to need a battery of shots if you stuck your toe in the Potomac River. The sewage and waste water of 80 million Americans from a score of States flows out of the mouth of the Mississippi River, and for years contaminated the commercial fishing areas. A few years before the Clean Water Act was passed, the Cuyohoga River in Cleveland was burning. Want to go back to those days? You tell me which financially strapped city and State will take on that burden without Federal assistance?

Nuclear safety. Should nuclear power plants and generators of radioactive wastes—which exist in every large city and many small ones—be able to ignore Federal safety standards for operations and waste disposal?

Deadbeat parents. We are collecting hundreds of millions of dollars a year from parents who have ignored their financial responsibilities to their children, thanks to Federal law. Should we just abandon that program?

The list of inequities goes on and on. What happens to reauthorizations of existing laws? What if those reauthorizations are delayed for years by obstructive tactics in Congress. The answer is: We don't know. And the reason we are legislating in the dark here is because this complex bill, which would fundamentally alter the entire nature of Federal-State relations, was drafted in haste, denied public comment and public hearings, and marked up in a haphazard and manipulated process that made thoughtful review all but impossible.

Of course we should examine whether Federal funding of mandates has been adequate? In fact, that process was begun last year by Democratic members of the House.

But let us not rush to pass a deeply flawed, confusing, and deceptive bill, drafted behind closed doors and without adequate public review, a bill that misrepresents not only the need for mandates, but ignores the billions of dollars we have given to State and communities to help meet those mandates.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

(Mr. SOLOMON asked and was given permission to revise and extend his remarks.)

Mr. SOLOMON. Mr. Chairman, I thank the gentleman for the privilege of rising in support of this bill that would put an end to unfunded mandates in this country.

Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, I rise in strong support of this crucial first item in the Contract With Amer-

ica—the Unfunded Mandate Reform Act of 1995.

After taking office just 2 short weeks ago, the Republican majority is bringing a bill to the floor to provide relief to our States and towns suffering from crippling unfunded mandates.

This bill will provide the first step in changing how we think about governing. The truth is Washington does not know best. Many of the towns and villages in upstate New York are nothing like large metropolitan areas. The uniform mandates imposed on these communities are the source of great resentment in my district.

The bill before us will make it extremely difficult for any Congress or any President to force, by rule, regulation or law, unfunded mandates that exceed \$50 million on the public sector, and \$100 million on the private sector.

The Unfunded Mandate Reform Act before us encourages the entire Federal structure to listen to State and local officials rather than turning a deaf ear and bludgeoning them with new mandates.

H.R. 5 will largely impact the procedures of Government—but what the bill represents is far more significant.

What it does represent is a fundamental shift of power in this country from Washington, DC, to the States—a “new federalism” of the sort described by Ronald Reagan.

As that great President once said, “Today, federalism is one check that is out of balance as the diversity of the States has given way to the uniformity of Washington. Our task is to restore the constitutional symmetry between the central Government and the States and to reestablish the freedom and variety of federalism.”

Mr. Chairman, Ronald Reagan was right then. And it is even more right today. This unfunded mandates bill will restart the Reagan revolution by shrinking the size and power of the Federal Government, getting the Government off the backs and out of the pockets of the American people and allowing our country to prosper.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentleman from El Cajon, CA [Mr. HUNTER].

□ 1410

Mr. HUNTER. I thank my friend for yielding me the time.

Mr. Chairman, so many of those who are against H.R. 5 have talked about regulatory empires as we in Washington would like them to be. I want to tell you about our regulatory empires as they really are.

I have an irrigation district in my district in southern California which waters about 500,000 acres of the Imperial Valley. The EPA discovered it a couple of years ago and they told our irrigation district that although less than one-half of 1 percent of their water goes to domestic users, and those are little ranch houses out in the boon-docks, that they were going to have to build between \$5,000 and \$10,000 systems, filtration systems, for each and every one of those houses or spend up to \$100 million building filtration plants in the surrounding communities.

We ultimately had to go to court and the court of appeals in California found that the EPA does not even have jurisdiction in this case.

Our regulatory kingdoms, following human nature, have tried to acquire power, and I would say that the regulations we see today are more about power than they are about safety. Let's pass H.R. 5.

Mr. CONDIT. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. PETERSON].

(Mr. PETERSON of Minnesota asked and was given permission to revise and extend his remarks.)

Mr. PETERSON of Minnesota. Mr. Chairman, I rise in strong support of H.R. 5.

As a member of the Unfunded Mandates Caucus and a supporter of Representative CONDIT's bill in the last Congress, I rise today in opposition to unfunded Federal mandates and in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill is not perfect but it is a good start. Personally, I feel it should be tougher and should completely eliminate the practice of unfunded Federal mandates. Every dollar spent on a Federal mandate is \$1 less in local budgets to fight crime, improve education, or provide public services. Just ask the city of Moorhead in my district who was mandated to spend tens of thousands of dollars building sheds to protect sand and road salt from the ice and snow; and spent hundreds of dollars to lower a public urinal less than 1 inch. Mr. Speaker, these are blatantly wasteful mandates my communities have been told to comply with.

We all want clean air, clean water, safe food, and a safe working place; but let's achieve these goals in a sensible way and give our States and communities a voice in the process. Support H.R. 5 and put an end to unfunded Federal mandates.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I particularly want to thank my friend the gentleman from California [Mr. CONDIT] who has put in so many hours and so much time as one of our chief leaders in this effort to end unfunded mandates in this Congress and in this land.

It is important to know what this bill does and what it does not do. Let's talk about what it does not do first.

This bill does not end the responsibility of this Congress to pass mandates when they are important for the public health and safety or for other valid public policy reasons in this country. If it is a critical need in this country to stop pollutants from entering the Mississippi River, we have an obligation to pass mandates that that practice end, so that those of us who live at the bottom end are not infected with someone else's garbage. If it is an important and critical item in this Nation's agenda that every schoolchild with a handicap is specially educated in this country, we ought to make that a mandate in this country.

What this bill does not do is prevent us from doing those things. It simply says that when we here in Washington think we know better than the folks back home, so that we are going to mandate those things upon the Nation, we ought to have the courage of our beliefs. We ought to raise the money and we ought to pay for the mandates we produce.

Let me tell you what the bill also does not do contrary to some of the things you have heard up here today. It does not prevent us here in Washington from putting together programs to incentivize the States and localities to do good things that we do not necessarily think ought to be mandated.

We can, for example, put together programs that say if you want to share in a government program at a 50-50 level, a 90-10 level, a 70-30 level, we have got a program here you can participate in if you want to, and these are the conditions of participation. You can do that. We can continue to do that even with this bill passed.

What we cannot do after this bill passes is to say that you must participate, you must do it, and the only way for you to do it is to come up with a 30-percent match or 10-percent match. This bill ought to pass. We ought to have the courage of backing up what we believe with the money to carry it out. That is what ending unfunded mandates will do for America.

Mr. CLINGER. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire [Mr. ZELIFF], a very valued member of the committee and chairman of our Subcommittee on National Security, International Affairs and Criminal Justice.

Mr. ZELIFF. I thank the gentleman for yielding me the time.

Mr. Chairman, I too would like to congratulate Members on both sides of the aisle on this effort.

I support this important legislation to prevent Congress and the Federal bureaucracy from imposing unfunded Federal mandates on both States and local governments.

Unfunded mandates have been a sore point for years with States and local governments. States like New Hampshire have been left saddled with huge costs to carry out Washington's orders or grand ideas.

New Hampshire has 17 Superfund sites, 14 of which are in my district. The average cost is \$30 million per site.

The Motor-Voter Act has placed a tremendous financial impact on our State which incidentally has a higher voting percentage than most States in the Nation.

The auto emissions mandate is causing untold misery and creating a financial burden on the people of New Hampshire.

My own State has put its money where its mouth is. It passed a constitutional amendment banning the State from passing unfunded State mandates onto our local towns and communities.

It is time for the Federal Government to follow New Hampshire's example and put its money where its mouth is. It is called accountability, Mr. Chairman. The Federal Government must take responsibility for its actions. We can no longer pass the program and keep the bucks.

What this legislation really does, Mr. Chairman, is to say to us that if we want to pass the program, we must also pass along the bucks to pay for the program.

I urge support of H.R. 5 and hope to see its passage.

Mr. DREIER. Mr. Chairman, I yield 1 minute to a new Member, the gentleman from Alfalfa, OR [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise today as an advocate of the States, my district, and all Americans who have experienced the heavy hand of Federal Government mandates too long.

In the next 5 years alone, unfunded mandates will cost our Nation's counties 12.3 percent of their revenues and nearly \$34 billion.

Today, however, we are attempting to turn back the tide of offering legislation that says no more to unfunded mandates.

While I support this bill wholeheartedly, I believe that this is only the first step in a long and trying process of rolling back supposed benefits that the Federal Government has imposed upon the States.

Tomorrow I will be offering amendments intended to strengthen H.R. 5. We all want clean water and we all want clean air and access to the handicapped and so on. However, we must have the responsibility to ask the question, "At what cost?"

I urge my colleagues to carefully consider and support my amendments. Let's pass this bill and take an important step forward in freeing the States and the people from the heavy hand of the Federal Government.

Mr. BEILENSON. Mr. Chairman, I yield 2 minutes, for purposes of debate only, to the gentleman from Pennsylvania [Mr. FOGLIETTA].

(Mr. FOGLIETTA asked and was given permission to revise and extend his remarks.)

Mr. FOGLIETTA. Mr. Chairman, I rise in opposition to this legislation and let me tell you the reasons why.

First, this bill does fundamental damage to the way the Constitution has designed our government. A mandate is a law. Congress was organized to pass laws dealing with national priorities. A no money/no mandate law would handcuff this Congress from doing what it was set up to do.

Second, there are many mandates where it is absolutely appropriate to impose costs on States and cities to meet national priorities. Health and environmental laws are the best example.

Since the governors and the majors are good at telling mandate horror stories, I well share one, too.

Several years ago in my region, the unhealthful, dangerous medical waste from one State was landing on the swimming beaches of the other.

The Congress passed a law to deal with this problem that said to one State, "You must stop, you must desist, you must clean it up." Costs were imposed on the States and this was the right thing to do. The problem was cured. Mandates do work.

Third, it is flat wrong to say that the Federal Government does not pay its share. For Philadelphia, my city, using the calculation developed by the very League of Cities which so vigorously embraces this bill, the Federal Government sends in \$18 for every dollar for Federal mandates. That is a pretty good ratio, even in these hard budget times. Thus, we do pay for mandates.

□ 1420

Fifth, I can think of no better example of an overreaching unfunded mandate than the Contract on America. The proposals to balance the budget and gut Federal aid to families with dependent children will send huge mandates back to the States—with no way to pay for them other than by huge State and city tax increases. Maybe that's why this law won't take effect until October, after we have completed considering this Contract on America.

Finally, I wanted to comment on some of the hypocrisy that surrounds so much of this debate. An example comes from one Governor who, with one breath, lectures us on the need for a balanced budget and on the other hand wants to cut taxes in his own State.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina [Mr. SPRATT].

(Mr. SPRATT asked and was given permission to revise and extend his remarks.)

Mr. SPRATT. Mr. Chairman, I thank the gentleman for yielding the time.

Mr. Chairman, this is important legislation. It is time we passed it. Local governments that have limited tax bases have a right to resent it when they are imposed upon with mandates that are handed down to them from above, whether by State legislatures or from Congress. I know, I was a county attorney for 12 years before I came here.

The Members who originated this bill, and the reason it is here in the well as the second piece of legislation we consider in this Congress, are the gentleman from California [Mr. CONDIT] and the gentleman from Virginia [Mr. MORAN] who came from local government backgrounds and they know what it is all about.

A core concept of this bill, the Moran bill, is the idea of fiscal impact statements as a heads-up to all of us, including local and State government, when we are about to pass a bill and pass the buck, to make us think twice about what it is going to cost State and local governments before we pass it, and to

give them all a chance to object, demur, and raise questions about it.

Unfortunately, this bill is a different bill from the Moran bill which passed last year and our committee reported and would have brought to the floor soon in this session. It is a different bill, and we have not had time to peruse it, to read it closely. We did not have time because we did not have hearings in our committee.

If Members just peruse the bill they will find there are a lot of questions. Indeed the bill comes here because of railroading it to the floor, studded with question marks and caution flags.

For example, there will be a lot of Members out here as we move into the amendments raising questions not about the core concept, not resisting the bill, who will probably vote for passage like me, raising questions like public-private parity. My State, the State of South Carolina, generates electricity. It is a big power generator. Does this mean that in the future when we pass a renewal of the Clean Air Act that we cannot impose additional emission standards on the States, the generators of electricity, without paying for the scrubbers? And if it does mean that, it will not be long before private utilities will come to South Carolina and say hey, let us transfer to you this operation, you take title to it, we can then avoid these additional requirements.

These are the questions we will be raising to perfect the bill, make it workable legislation, not to defeat it.

Mr. CONDIT. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

(Mr. BREWSTER asked and was given permission to revise and extend his remarks.)

Mr. BREWSTER. Mr. Chairman, I want to commend my friend, the gentleman from California [Mr. CONDIT] for his leadership on this issue now for almost 4 years. He has taken the strong lead in eliminating unfunded mandates.

I rise today in strong support of H.R. 5, the Unfunded Mandates Reform Act.

As a former State legislator in Oklahoma, I know first hand the devastating effects unfunded Federal mandates have upon State and local governments. Many times when I was in the State legislature, we had to come up with additional funding to pay for these mandates.

Most often, we would have to cut critical funding from education and other State programs to pay for these passed-down Federal regulations.

Not only did we have to pay for these mandates, but we had limited, if any, input into the development of these regulations.

Mr. Chairman, we cannot continue to pass down to our States and local governments the cost of compliance with Federal mandates. I urge my colleagues to vote for relief to our State and local governments by voting for H.R. 5.

Mr. CLINGER. Mr. Chairman, I am pleased to yield 2 minutes to my fellow Pennsylvanian, the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. DREIER. Mr. Chairman, I too am glad to yield 1 minute to the gentleman from Jacobus, PA, chairman of the Committee on Economic and Educational Opportunities.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] is recognized for 3 minutes.

(Mr. GOODLING asked and was given permission to revise and extend his remarks.)

Mr. GOODLING. Mr. Chairman, first of all I want to thank Chairman W.F. CLINGER from Pennsylvania, for using his large hands to carry this bill to the floor of the House today. This is a bill I have waited for for a long time and worked for a long time. It is very, very similar to the fair bill which was the Goodling-Moran bill 2 years ago with many, many signatures.

Let me tell Members how I got involved in this. When I came to the Congress of the United States I came as a former superintendent of schools. Congress had just sent us legislation were they said you will follow 100 percent of our mandates in relationship to special education of youngsters and we will send you 40 percent of the money. The unfortunate part about it was they did not send 40 percent of the money, they sent 8 percent of the money, which meant I had to come up with from all of the other departments all of the other money to handle this issue.

When I arrived here, the first bill that came to us in my committee was an asbestos removal. If that was the wrong way to construct schools, surely we should be doing something about it. But I said at the time, be sure to allow the school districts to take 1 percent of their Federal funds to do this job, or otherwise they will have no money to do it. And they said no, we will get appropriations. We did not get appropriations for many years, and then got a few pennies later on.

The next bill that then came before us was we should do something about lead. Again, that is something that is very, very important and I said be sure that we send funds for them to do it, because they are now paying for the redoing of the asbestos, because it was done incorrectly the first time. And, no, they said we will get appropriations. Fortunately we were able to slow that process down.

Let me remind Members about two things in this bill. First of all, do not let anyone remove judicial review. If we remove judicial review we then have destroyed the bill. We are just smoke and mirrors, we are just kidding people out there.

Second, I hope my colleague on the committee from California was not saying that somehow or other we were going to do something about the

youngsters who are covered under ADA and the youngsters who are covered under IDEA. This bill exempts ADA and IDEA. So do not let anybody sell that issue to you that somehow or other we are going to hurt handicapped and disadvantaged youngsters. That is positively false.

So I ask for Members' support of a bill that is overdue for a long, long time in the Congress of the United States.

Mr. Speaker, I rise today in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This legislation is similar to fair legislation Congressman JIM MORAN and I introduced in the 103d Congress.

H.R. 5 is a truly bipartisan bill that would make the U.S. Congress more accountable for its actions by curtailing the passage of unfunded Federal mandates.

The mandate madness and the arrogance of some in this institution over the past 20 years has caused States like Pennsylvania and local governments like the city of York, the boroughs of Gettysburg, and Carlisle and townships like Springettsbury in Pennsylvania increased headaches as they try to assess their obligations based upon their incoming tax revenues. Furthermore, unfunded mandates have had a dramatic effect on the private sector.

The idea behind this legislation is simple, the U.S. Congress must become more accountable for its actions which, in some cases, have an adverse effect on States, local governments, and small business.

For example, as a Member of the House Education and Labor Committee, I consistently fought against legislation that would impose burdensome mandates on States, local governments, and small businesses. As chairman of the new Committee on Economic and Educational Opportunities, I will continue to do the same.

In years past, my committee had jurisdiction over legislation to remove lead paint from the Nation's schools. I agreed with the sponsors that this is a high priority and that it should be done. However, the bill did not include provisions to pay for this legislation. It was understood that this legislation would be paid for through the appropriations process. I disagreed with this because I remember not too long ago that we proposed the same for asbestos removal and passed legislation providing for asbestos removal, but did not pass the dollars with the legislation.

I must stress the idea behind H.R. 5 is not to impede legislation, rather it is to force the Congress to seriously consider the impact of any new legislation before the legislation is passed. It is a policy that the Congress must adopt to stop giving lip service to the idea of true reform.

This legislation will improve the legislative process by requiring the CBO to study the impact on State, local governments, and the private sector of legislation reported out of committee for action on the House floor. This legislation would also require agencies, prior to the implementation of any rule or any other major Federal action affecting the economy, to perform an assessment of the economic impact of the proposed rule or action and seek public comment on the assessment. I understand there may be amendments to remove

this provision from the bill. If this bill is weakened by removing judicial review, Members will only be kidding the American public by telling them we are reforming the regulatory process. Without judicial review the regulatory process will not change.

This new requirement is one of the most important changes. Yes, Members of Congress have to become accountable, but so do the regulators. It is important that the regulators who decide how a law would be carried out consider the impacts of their decisions. They too should be fully accountable. Title II would modify the Administrative Procedure Act so that the regulators would have to assess the impacts of their actions on State, local governments, and the private sector. If they choose not to, their actions would be subject to judicial review.

I want to clarify that H.R. 5 has no effect on two important disability laws, the individuals with Disabilities Education Act [IDEA] and the Americans with Disabilities Act [ADA]. In recent weeks, many Members have received phone calls from worried parents that had been told that H.R. 5 would force the repeal of the IDEA and possibly, the ADA. As I described in a "Dear Colleague" that I had distributed, these phone calls were based on inaccurate information disseminated by a disability advocacy organization. I would urge Members to read the language of the bill pertaining to exemptions. As the CRS law division has confirmed, both IDEA and the ADA are exempted from coverage under this bill.

I believe this legislation has the key ingredients for passage. It sends the proper signal, and ideal good government mission which makes the Congress more accountable for its actions by studying the impacts of legislation before it is passed. This legislation has bipartisan support of Members in the House. I also believe this bill would signal an end to closed door agency policy decisions which hurt many States, local governments, and the private sector.

I would like to commend House Government Reform and Oversight Chairman BILL CLINGER, Congressman CONNIT, Congressman PORTMAN, and Congressman DAVIS for all their efforts in putting this legislation together. I believe this truly bipartisan legislation is long overdue and will work to see this legislation signed by the President.

Mr. DREIER. Mr. Chairman, I yield 1 minute to my friend, the gentleman from Frederick, MD [Mr. BARTLETT].

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of H.R. 5. This bill is a good start, it is not the full journey, but it is a good start.

The vigorous debate opposing this bill is more than a little interesting since this Congress has for many years exempted itself from essentially all of these mandates. As Members know, the cost of these unfunded Federal mandates is exorbitantly expensive, costing the American taxpayer all of his income between Tax free day, which last year was May 27, and Government free day, which last year was July 10. That is about 6 weeks of his time.

Just one other point I would like to make and that is that the only conscience in this country does not reside here in Washington. States and local jurisdictions are perfectly capable of regulating themselves in terms of their environment, their health and their welfare. They do not need Big Brother here dictating to them.

Mr. BEILENSON. Mr. Chairman, I yield half a minute to the distinguished gentleman from California [Mr. MINETA].

(Mr. MINETA asked and was given permission to revise and extend his remarks.)

Mr. MINETA. Mr. Chairman, in so many areas this bill would make it harder for citizens and property owners to be protected from damaging acts by others. This is a bill which will make it harder, slower, and more costly for all of us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to have.

Frankly, from my perspective, this is the wrong direction.

The idea that we should be concerned about unfunded mandates is not wrong. There is a temptation that the Federal Government will deal with its own budget problems by directing other levels of government to meet the public needs the Federal Government no longer can afford to meet.

Yet, we must also look carefully at how this problem has been misrepresented, and how the proposed fix often does not do what it is intended to do.

Many of the mandates we impose are essential to the public health and safety. We require cities to treat the sewage they dump in the river, and we do that for the protection of those who live downstream. We require local government which operate dumps to protect their neighbors from the toxins they allowed to be dumped at their site.

The Constitution itself is an unfunded mandate: we require States to respect the civil rights of our citizens without regard to whether the Federal Government pays the States for the costs they incur in complying with the Constitution.

The issue before us is how we can best respond to the issue of unfunded mandates. Many of us believe that where a mandate is justified to protect the public, we should often take more seriously than we have our Federal responsibility to contribute funding to costs of State and local government in meeting the needs of Americans who are, after all, citizens of State, local and Federal Government.

I have, for example, been a constant advocate for dramatically increased Federal funding for the costs cities bear in meeting Federal standards for treating the sewage they discharge into our rivers.

But what has happened instead is that many of those who now profess to be most concerned about unfunded mandates were those who most sought to reduce the funding to State and local governments to comply with these mandates, such as the sewage treatment requirements of the Clean Water Act.

They now argue that, having succeeded in drastically cutting the funding, we should now cut the mandate on the grounds that not enough funding is being provided.

Unfortunately, the end purpose of this exercise is not to treat our cities and States better, but to treat our citizens worse. Cutting the funding and then cutting the mandate is just a clever way to do what they wanted to do all along, which is remove requirements which protect people and their property from the effects of pollution by others.

As a former mayor myself, I regret that so many of my former colleagues now appear to be making a pact with the devil. Once this bill passes, the next step will be to cut much of the Federal funding which State and local governments get which is not tied to any Federal mandate—the unmandated funding such as the highway program, the transit program, the economic development program, and so on. In the end, cities and States will be worse off for having joined their tormentors.

The specific bill before us today has a number of very significant defects.

Most importantly, it has not been considered in a way which allows for the public to know what it does, to comment on it, and to have their views taken into account. The bill was rammed through the Government Reform and Oversight Committee with no hearings and no subcommittee consideration. The Budget Committee was discharged to prevent it from holding public hearings. The Rules Committee held one brief hearing.

The best way to assure that a bill contains mistakes and unintended consequences is to ram it through without opportunity for public scrutiny or comment.

The title of this bill should be changed to "The Law of Unintended Consequences." After it is enacted, we will be discovering for years to come what it really does, and many of those surprises will not be pleasant.

For example, the way this bill is written, it would not only create a point of order against any bill which creates a new requirement on State or local government to protect the public if the costs of complying are not paid by the Federal Government, it would also create a point of order against most bills getting Government out of regulating the marketplace of most industries. This bill is described as reducing the intrusiveness of Government—but in the key area of economic regulation it would have the unintended consequence of doing exactly the opposite: making it more difficult to pass bills which reduce the intrusiveness of Government into the marketplace. If H.R. 5 had been law, a point of order would have been sustained against the Intrastate Trucking Deregulation Act we passed last year, against the railroad deregulation provisions of the 4R Act, and against pipeline deregulation legislation.

That is not what anyone intended this bill to do, but nevertheless that is exactly what the bill does. It is a mistake, and I will offer an amendment to correct that mistake.

This bill would make it far more cumbersome and time-consuming to put new airline safety and security measures in place. That is a mistake and it should be corrected.

In so many areas, this bill would make it harder for citizens and property owners to be protected from damaging acts by others.

The bottom line is, this bill would do two things.

First it would make government not leaner and more efficient, but slow and clumsy and inefficient, much more tied up in bureaucracy

as thousands of decisions, no matter how obvious, get wound up in piles of new bureaucratic analysis and reanalysis, whether needed or not. The bill increases spending on bureaucracy by \$4.5 million per year, just to handle the increased paperwork which will result at the Congressional Budget Office. And the increased paperwork at CBO will be a drop in the bucket compared to the increased paperwork in the rest of Government. This bill should be called the Red-Tape and Bloated Government Act.

Second, it will make it more difficult for Congress to respond to real public needs in the future. A few years ago we lost an airliner over Lockerbie, Scotland, and the terrorism threat soared, both at home and abroad. We acted in Congress with a bill to require Federal agencies, airlines, and airports to promptly strengthen security. That bill, the Aviation Security Improvement Act of 1990, would be counted by H.R. 5 as creating an unfunded mandate. As a result, the 1990 Security Act would have been subject to a point of order, it would have been subjected to additional floor procedures, and it would have been subject to considerable delay while CBO and other congressional staffs prepared elaborate new analyses and estimates, even though we would all know that the bill needed to be passed.

This is a bill which will make it harder, slower, and more costly for us to respond in the future to new threats to the public health and safety, no matter how great the consensus that we need to act.

This is the wrong direction.

We ought to be transforming Government with the idea of making it as small as possible while still being able to address the public's real needs. Instead, we are making it bigger, slower, and clumsier, while also making it less able to meet the public's real needs. We've got it backwards.

This is the classic case of those who argue that Government can't work making sure that it won't work.

We may adopt amendments which make this bill a little better, or amendments which make it a little worse. But what we should be doing is starting over, thinking more carefully about the problem of unfunded mandates, how we got here, what needs fixing and how best to fix it, give all those involved a chance to come in and be heard, and then we should proceed with the greater certainty that we know what we are doing.

Instead, we are running blindly down the wrong path.

□ 1430

Mr. BEILENSON. Mr. Chairman, for purposes of debate, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman and Members, I rise in strong opposition to this legislation.

I think it is predicated on a false assumption, and that is one of confrontation rather than cooperation.

So often I think that the Federal Government, specifically the Congress, has become really criticized in a sense unfairly for the advancement of Federal and national policies that are in the public interest. I look at the suggested unfunded mandates and the cooperation that has occurred. So often, I

think we are doing this to eliminate bureaucracy duplication.

The Minnesota Pollution Control Agency, indeed, carries out the responsibilities of the EPA within our State. It is more often a cooperative relationship rather than one of confrontation.

But the advocates of this have worked themselves into, I think, a false assumption and results. The upshot of this, I guess, looking at what the costs are of policies we passed, I thought was always something we were supposed to do. I have no objection or no criticism of that. I think we ought to look at it.

Very often, though, looking at the legislation and the application of it makes this policy far worse. For instance, very often the dollars that we pass are grants in aid. That is what the highway programs are. That is what many of our programs are, grants in aid. They are grants that carry along a specific type of Federal requirement. If you do not want the dollars, you do not take the grant.

The legislation is not clear how that would apply in terms of the mandates. I understand some of the mandates, where there is not the choice, we are talking about civil rights, we are talking about human rights and other issues, of course, there is the implication here that is not covered. Unfortunately, it is not clear to me and to many other Members of the House today.

I think it is a good idea probably to do the assessment. It is not clear what the impact of this legislation would be.

An example, most of the Governors Association have been running around complaining about the crumb rubber problem. The crumb rubber problem, we used to have a solution to that in the Midwest. Someone had a dump of tires. They had a gallon of fuel oil and a match, and they solved the problem rather than putting it into roads.

Mr. CONDIT. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, over the last several decades it has become far too easy for the Federal Government to take credit for programs without having to foot the bill. Although many of these programs have had worthy goals, it has been irresponsible for us to set the priorities and expect State and local governments, school boards, and private businesses to raise their taxes or curtail their services to pay for programs we impose, particularly when our mandates have not made sense.

Now, the people are speaking, and today we have the opportunity by passing H.R. 5 to say we are hearing you.

I can think of no better example of what I am talking about than Brownwood, TX, a community in my district. When the people of Brownwood re-

ceived their water and sewer bills, the exact amount of the bill which is due to Federal unfunded mandates is noted. In the copies that I insert in the RECORD today, that amount typically is 40 percent of the total: \$264.91, \$103.31 unfunded Federal mandates; \$46.54, \$18.15 unfunded mandates. And then when you have a note, "Please understand this is killing the little people"; people living on fixed incomes who have to pay what their local leaders are saying do not make sense is what this is all about today.

I can list Mineral Wells, TX, \$300,000 the school board had to pay for purposes of removing asbestos from the school when the best science available was telling us you are going to make the problem worse not better.

These are the reasons why we are here today.

Mr. TOWNS. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL], the ranking member of the full committee.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, as example of bad procedure, we are asked to consider a bill that nobody in this Chamber knows, those consequences cannot be prophesied, because no hearings have been held.

What is this bill going to affect? It is going to affect the clean air laws, going to affect the clean water laws, going to affect the drinking water laws, going to affect every environmental statute, going to affect all the health and welfare statutes of this country.

Now, everybody would think that these poor unfortunate State and local governments have not gotten any money from the Federal Government. Look at the amount of money that the Federal Government gives to State and local units of government, something like \$750 billion a year. We give them that.

Now, what is this going to do? It is going to make it harder to have real meaningful standards on clean air, on drinking water.

I sent to my good friend, the gentleman from California, as he knows, a copy of his remarks on the Clean Air Act in which he urged that we pass that legislation. I warned him it went too far. It is the law now.

It protects people in one State from the behavior of people in another, and the Drinking Water Act, if you live in New Orleans and somebody flushes the toilet in Minneapolis or Kansas City or in Sioux City or any other place upstream, they are going to enjoy what you had for dinner last night within a matter of a few weeks.

That is the reason we have a Federal law to deal with these problems that cannot be dealt with by the States.

Now, beyond that, there are a few other little concerns we ought to have here. States cannot protect their constituents and their citizens from the

misbehavior in other States. That is again why we pass these laws.

The Governors demanded it years ago when we first considered the Clean Air Act and we first considered the Clean Water Act, that we passed Federal standards and allow the States to enforce them, and the money to enforce those programs was canceled by the administration of Mr. Reagan, the patrol saint of this side of the aisle.

Mr. DREIER. Mr. Chairman, I yield myself 30 seconds to respond to my very good friend, the gentleman from Michigan [Mr. DINGELL], who did in fact include a statement that I made on May 24, in support of the Clean Air Act.

Nothing in this legislation dealing with unfunded mandates would repeal any of those items to which the gentleman from Michigan [Mr. DINGELL] has referred.

The fact of the matter is we are simply saying there should be accountability, and we should know what these things are going to cost. We do not have a goal of eliminating clean air standards. What we want to do is we want to be accountable for the cost of making sure that they happen.

Mr. Chairman, I yield 1 minute to my very good friend, the gentleman from Peterborough, NH [Mr. BASS].

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Mr. Chairman, 10 years ago this year the New Hampshire Constitutional Convention passed a resolution which, in effect, prohibited unfunded State mandates. The people of New Hampshire approved that resolution in the fall of 1984.

It reads as follows, "The State shall not mandate or assign any new, expanded or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivision unless such programs or responsibilities are fully funded by the State or unless such programs or responsibilities are approved for funding by a vote of the local legislative body or political subdivision."

Mr. Chairman, what this resolution did was to impose for the first time in New Hampshire history real discipline on the legislature. It is high time that we impose that type of discipline here in Congress.

I urge support for H.R. 5.

Mr. CLINGER. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

(Mr. BEREUTER asked and was given permission to extend his remarks.)

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of H.R. 5, the Unfunded Mandate Reform Act. As a cosponsor of H.R. 5, this Member is pleased to see this important legislation receive such prompt consideration on the House Floor.

This Member commends the distinguished gentleman from Pennsylvania

[Mr. CLINGER], the distinguished gentleman from Ohio [Mr. PORTMAN], the distinguished gentleman from California [Mr. CONDIT], and the distinguished gentleman from Virginia [Mr. DAVIS] for their introduction of this legislation.

Mr. Chairman, in recent decades Congress has dramatically increased the number of mandates it has imposed on States and local governments without providing adequate funding to fulfill the requirements. In other words, while Congress has passed the buck, it hasn't forwarded the bucks.

When I was first the community affairs director, Federal-State relations coordinator, and then State planning director for my home State in the late 1960's, on a daily basis I saw vivid examples of the senselessness and cost of a great many unfunded mandates visited upon local and State government, and I did what I could to push for reforms and changes. Since then the number of mandates and their costs and negative impacts have only increased, both by actions of an unheeding Congress and by the inflexibility and policymaking excesses of Federal bureaucrats.

Although there are numerous examples of burdensome unfunded mandates, this Member would like to highlight one that is particularly onerous for States and communities across the Nation. The statutory language of the Safe Drinking Water Act creates a one-size-fits-all national approach to testing and treating drinking water without taking local conditions into consideration.

Many of the current Safe Drinking Water Act testing and treatment requirements result in prohibitive costs without any real health benefit or increase in water quality. As a result, there is a growing financial crisis for small communities that becomes more evident each year as new testing and treatment deadlines are imposed. Some small communities expect to spend a third or even half of their budgets to comply with water testing requirements. It is clear that States and communities must be allowed to identify and focus on those contaminants which present an actual health risk in a particular area.

Without question, the safety of this nation's drinking water must be vigorously protected. However, it is essential that Congress allow States and local governments to achieve this goal in effective and efficient manner.

In addition to the growing problem with unfunded mandates, this Member also wishes to express his long-standing and continuing concern about the related issue of attaching strings to money to States from Federal trust funds, such as the highway trust fund. For instance, the surface transportation bill, which was signed into law in 1991, requires a State to spend a percentage of its Federal highway funds for highway safety programs if it, for example, has not enacted both a motorcycle helmet law and a safety belt use law.

Worthy objectives aside, this Member strongly opposes this mandate approach in limiting the States' ability to use their highway trust funds—paid for at the gasoline pumps by their citizens and by all Americans—as they

choose for authorized activities and in accordance with legitimate standards, criteria, or regulations. Highway users in each State have paid into this fund through gas taxes and this Member believes that States should be allocated money from the highway trust funds without conditionally being applied for any legislative or bureaucratic objectives—be they noble or misguided.

Mr. Chairman, H.R. 5 forces Congress to consider the consequences of its actions and take greater responsibility for the laws it passes. This Member urges his colleagues to support this legislation as a necessary response to the menacing trend toward imposing unfunded mandates on States and local governments and the types of regulations we are levying on our localities.

□ 1440

Mr. BEILENSEN. Mr. Chairman, I yield myself the balance of our time.

(Mr. BEILENSEN asked and was given permission to revise and extend his remarks.)

Mr. BEILENSEN. Mr. Chairman, I rise in opposition to H.R. 5.

Mr. Chairman, the issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue. He issued an Executive order 2 years ago, shortly after taking office, that required Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objectives of this bill, which are to be better informed about and be more accountable for the costs that we are imposing on State and local governments as well as on the private sector when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and a serious problem for these governments, and we are eager to respond to that concern.

So I say again the Republican leadership is to be commended for giving this issue the attention it deserves here in the Congress. Frankly, our own party leadership in the last Congress was remiss, in my opinion and in the opinion of some of our colleagues on the Democratic side, in not moving legislation on this issue. Many of us regret that that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates. I shall not enumerate them at this point.

Unfortunately, the bill does much more. Among those things is that it establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over \$50 million annually. That is an average of only \$1 million per State, and obviously could affect a very large number

of bills that would come before Congress in the very near future.

In effect, the bill could, in fact, stop Congress from considering any number of environmental, health, and safety bills, the Federal activities that appear to be the principal target or concern of this legislation, despite the fact that legislation in these areas, such as anti-pollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation would be extremely difficult to enact in the future if this bill becomes law.

We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the future. We are concerned this bill does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the one reason Government has for existing—to produce benefits for its citizens.

Finally, we are concerned that H.R. 5 also ignores the direct economic benefits mentioned just a moment or two ago by the gentleman from Michigan [Mr. DINGELL] which are enjoyed by local governments and the private sector from Federal spending and activities. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when we estimate the overall burden of Federal mandates.

So, Mr. Chairman, if I may say so, this legislation is well intended. It is also at this point very imperfect. It needs a lot of work before it should be passed, and I hope very seriously that Members will take seriously the amendments proposed before us in the next few days, and not vote for this legislation unless we, in effect, make it very much better than it currently is.

Mr. Chairman, I rise in opposition to H.R. 5.

The issue of unfunded Federal mandates is one that needs to be addressed, and the Republican leadership deserves credit for making this issue a priority. President Clinton, too, deserves credit for addressing this issue; he issued an Executive order 2 years ago—shortly after taking office—requiring Federal agencies to consult with State and local officials to assess the effects of regulations, including the cost of implementing them.

I am sure that most of us are in agreement with the fundamental objective of this bill, which is to be better informed about, and

more accountable for, the costs we are imposing on State and local governments, as well as the private sector, when we act on legislation that has that effect. We are all aware that such unfunded Federal mandates have become a real and serious problem for State and local governments, and we are eager to respond to that concern.

So, the Republican leadership is to be commended for giving the issue of unfunded Federal mandates the attention it deserves here in Congress. Frankly, our own party leadership in the last Congress was remiss in its responsibilities, by not moving legislation on this issue, and many of us regret that was the case.

This legislation proposes several very constructive ways of focusing attention on the burden of unfunded mandates: by requiring Federal agencies to prepare cost/benefit analyses of regulations expected to have a cost to states or the private sector of \$100 million or more; by requiring agencies to consult with State and local officials in the development of significant regulatory proposals; by establishing a commission to study and report on existing Federal mandates; and by requiring the Congressional Budget Office to produce cost estimates on authorizing bills which contain mandates with an annual impact of at least \$50 million on State and local governments or \$100 million on the private sector, and by requiring that information to be contained in committee reports.

All of those provisions will help achieve a goal I believe we all share, to be better informed about the impact on State and local governments, as well as the private sector, of laws Congress enacted in the past, and of legislation we will be considering.

These provisions will help make us a more responsible and responsive legislative body, help ease the impact of national laws on other levels of government, and strengthen and improve the relationship between the Federal Government and our counterparts at the State and local level.

Unfortunately, however, this bill does much more than simply provide us with information about the costs of actions on State and local governments. It establishes a new rule which prohibits the House from considering legislation that contains an unfunded mandate on State and local governments of over \$50 million annually. That is an average of only \$1 million per State and, obviously, could affect a very large number of bills that will come before Congress in the near future.

In effect, the bill could stop Congress from considering any number of environmental, health, and safety bills—the Federal activities that appear to be the principal target, or concern, of this legislation—despite the fact that legislation in these areas, such as anti-pollution laws and employee safety and benefit laws, are overwhelmingly supported by most Americans.

Many of us are concerned that similar legislation will be extremely difficult to enact in the future, if this bill becomes law. We are concerned that passage of this legislation will result in requiring the Federal Government to shoulder the full cost of addressing State, and local pollution, health, or safety problems. We are concerned that sensible and equitable cost-sharing will be impossible to enact in the

future. We are concerned that H.R. 5 does not include the value of the benefits of a proposed mandate in determining the cost of an unfunded mandate. A drinking water standard, for example, may lead to a reduction of mortality and morbidity that saves lives and reduces medical costs. Looking only at the cost side of the equation ignores the only reason government has for existing—to produce benefits for citizens.

And, we are concerned that H.R. 5 also ignores the direct economic benefits enjoyed by local governments and the private sector from Federal spending and activity. Federal resources, including land, are often provided to businesses and governments at rates below full market value. Furthermore, both governments and the private sector benefit from tax expenditures under existing law. Any unfunded mandates legislation should take these benefits into account when estimating the overall burden of Federal mandates.

Although it is true that the prohibition could be waived by a majority vote, a majority has to agree to break the House's rules to consider the bill. Since most of us take our rules seriously, it will be an uphill battle to persuade a majority to waive the rule against considering legislation containing an unfunded mandate, whatever the merit of the bill. It will make it harder to pass legislation to address problems we face now, as well as those that will emerge in the future. That, clearly, is the intent of some of the supporters of the bill.

Had this rule been in effect during the last 20 or 30 years, it seems unlikely that we would have been able to pass laws which have cleaned up our lakes, rivers, and coasts; made our drinking water safe; protected our air from more serious pollution; reduced the exposure of children to asbestos and lead, or any number of other laws which have vastly improved life for Americans, but which we tend to take for granted.

Moreover, because of the unusual procedure in which the waiver of this rule is provided for, a waiver could be debated and voted on before Members know whether in fact an unfunded mandate exists and, if so, how much it costs. Those two matters would not be ruled upon by the presiding officer until the House decided whether it wanted to waive its rules or not. How are Members to decide whether or not they want to allow an unfunded mandate if they do not know that it is such, or what it will cost?

This is a procedure which will unnecessarily tie up the legislative process and impinge upon our ability to act in response to national needs and concerns. The authors of the legislation have acknowledged this themselves by exempting from coverage several categories of laws which could be considered unfunded mandates: those which protect civil and Constitutional rights; which are used to determine whether States and local governments are using Federal money as intended; which provide for emergency assistance, or which are necessary for national security. They have also exempted appropriations bills, fearing that such a requirement will delay action on those bills, and they have postponed the effective date until October 1, well after action on the Contract With America bills is expected to be completed.

The prohibition on unfunded mandates could well have unintended consequences. It is unlikely that the sponsors wanted to give public-sector transit companies or waste-disposal agencies a competitive advantage over their private-sector counterparts, but this legislation could lead to exempting public operations from laws which cover private operations. Should that happen, it might well hinder efforts to privatize Government operations that could be run more efficiently by the private sector.

The rule also creates a very difficult situation for the House by putting us in a position where we may not be able to obtain the information we need to make a determination about whether we are violating a House rule. There is no clear definition of an unfunded Federal mandate, and we do not have a system in place to determine a mandate's cost.

We have a very capable Congressional Budget Office which will be charged with determining the cost of an unfunded mandate, but that agency currently has neither the resources nor the methodology they need to make accurate assessments about the cost of a unfunded mandate to State and local governments—and to the private sector, which they must also figure out how to do. The process of determining these costs is very complicated and time-consuming, and is based on a lot of guesswork. CBO ought to have some experience producing the estimates we want on unfunded mandates before we prohibit legislation on the basis of those estimates.

Mr. Chairman, there are some valuable provisions in this legislation, and I think that with a little more work and a little bit of compromise, we could come together in a bipartisan way on a bill which fulfills the objective we all want: more information and accountability on the impact of existing and future unfunded Federal mandates. I regret that we are not able to do that.

Unfortunately, for all the reasons I have just mentioned, and because of all the many, and important, questions being raised about this legislation for which there are no satisfactory answers, I oppose this legislation, and I urge my colleagues to do likewise.

Mr. CONDIT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. PETE GEREN], who is one of the leaders in this effort.

Mr. PETE GEREN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, over the next 10 days this House will consider and, I believe will pass, two of the most significant legislative initiatives to come before Congress in decades, two initiatives that will radically alter for the better the way Washington conducts its business: the balanced budget amendment; and the Unfunded Mandate Reform Act, H.R. 5.

Before us now is H.R. 5, the mandate bill, historic legislation that will put a halt to unfunded mandates that Washington dictates to State and local governments all across America.

Through these mandates, Washington is substituting its overbearing will for

the rights and decisions of cities and local governments in their struggle to meet local challenges.

Mr. Chairman, there is no issue that better illustrates the arrogance and disconnect of Washington than does the proliferation of unfunded mandates. This must stop, and H.R. 5 will do that.

In simple terms, by adopting H.R. 5, we are saying that if a mandate is important enough to pass, it is important enough to pay for.

Despite what you will hear in the next few days, H.R. 5 will not block government from protecting the health and welfare of the American people. That is simply not true. This bill merely tells Congress, "Put your money where your mouth is." More importantly, this bill reaffirms our respect for one of the founding principles of our country, the principle that the true genius of this country lies at the grassroots, in the diverse heartland of America, among 260 million freedom-loving Americans, and not in Washington, DC.

In closing, let me give credit where credit is due. "Defeat is an orphan, while victory has a thousand fathers." Many people worked very hard on this issue, and without them we would not be here today. But the efforts of one person stands above all others, those of Congressman GARY CONDIT.

Mr. Chairman, there is an old country song that goes, "I was country when country wasn't cool." Well, GARY CONDIT was fighting for unfunded mandates when it wasn't cool an when no one else was. For that, we and the American people all owe Mr. CONDIT a debt of gratitude.

Mr. Chairman, Washington holds no monopoly on courage, on wisdom, or on conscience. I urge all my colleagues to demonstrate their faith in the American people and support H.R. 5.

Mr. CLINGER. Mr. Chairman, I am now pleased to yield 2 minutes to a senior and very valued member of the Committee on Government Reform and Oversight, the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. I thank the gentleman for yielding this time to me.

Mr. Chairman, I have waited 7 years to have the opportunity to vote and to speak on an unfunded mandate bill. I just have to thank the authors of this legislation, Mr. CLINGER, Mr. PORTMAN, Mr. CONDIT, for their work over a number of years. Mr. DAVIS, who was here earlier. I thank them for the opportunity to vote on this bill, one I really believe in.

Mr. Chairman, why is it that Republican and Democrat governors throughout the country want this bill? Why is it that Republican and Democrat mayors want this bill? Why is it that our country executives throughout this country, Republicans and Democrat,

want this bill? And a few in this Chamber do not? I do not understand it.

To me, it is extraordinarily fair.

My concept of an unfunded mandate bill did not reach the status of Mr. CONDIT, I thought. I thought at least knowledge to the private sector of what it was going to cost, knowledge to the public sector of what is was going to cost, was tremendously important for us to know when we voted out a bill; something that we have not had in the past. Mr. CONDIT wanted the most extreme deal, and you could make an argument for it. If you do not come up with the money, you do not have the mandate. This to me is a logical compromise between the two positions. Obviously, there are times for health reasons, for environmental reasons, that we have to mandate. But when we do, we had better be very conscious of that mandate. We need to know the cost, and we should come up with the money if we have a mandate, unless there are reasons not to.

If those cases, a point of order can come up if there is not the money or is not the disclosure. A Member can stand up and say, "I make a motion to override the point of order," with a simple majority. Now, why would I want that here? For some of the reasons I am hearing on this side. It would be a conscious effort and an important one. I do not want New York City to pollute Long Island Sound. I do not have the ability in Connecticut to tell New York simply to stop. I do have the ability to come to the Federal Government and ask the Federal Government to tell New York to stop—no offense made to New York. Obviously, if New Jersey is polluting the air that comes into Connecticut, I want the ability under those cases, extraordinary cases, to override the point of order.

□ 1450

This is a very fair proposal. It is logical. I do not understand the objection to this legislation because of its fairness. I salute Democrats and Republicans for writing an extraordinarily fine bill.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to the gentleman from Springfield, OH [Mr. HOBSON].

(Mr. HOBSON asked and was given permission to revise and extend his remarks.)

Mr. HOBSON. Congratulations to all the sponsors of this most needed piece of legislation. The budgets of State and local governments have long been devastated by regulations and laws handed down from Congress without the funds to pay for them.

As a former State senator, I experienced firsthand the impact of these unfunded mandates when the priorities of Congress have superseded the budget priorities of Ohio. By 1998, cities and counties throughout my State will face

even greater burdens when unfunded mandates consume one-quarter of all local revenues.

Governor Voinovich of Ohio has dedicated the last 2 years to passing comprehensive mandate relief legislation as the National Governors Association's lead governor on federalism. His study of the impact of unfunded mandates concluded that mandates will cost Ohio \$1.7 billion over 3 years.

Finally, to the great relief of States across the country, the new Republican leadership in Congress is determined to abolish these mandates with their friends on the other side of the aisle. As part of the Contract With America, the Unfunded Federal Mandate Reform Act will make Members of Congress accountable for supporting mandates. The passage of this legislation will be the first step to dramatically altering the relationship between Washington and local officials. More importantly, it will be a step toward honoring the tenth amendment of the constitution. Essentially power should be given back to where it belongs, to the people and their State governments.

Mr. TOWNS. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. BALDACCI].

(Mr. BALDACCI asked and was given permission to revise and extend his remarks.)

Mr. BALDACCI. Mr. Chairman, Members of the House, I just want to speak in support of this legislation as a check on Congress as it conducts its business. It will provide reassurances to States and municipalities that, as we continue to make the difficult decisions required to get the Federal fiscal house in order, we will not do so by shifting those costs to States and municipalities. The American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air cleaner and the water to drink clearer, and I would just like to add my support to this particular legislation.

Mr. Chairman, as a former city councilor, State legislator and most importantly, as a small businessperson, I am concerned about the way in which the Federal Government has historically handled its fiscal responsibilities. Our staggering national debt and enormous annual deficits are alarming to me, and should be to all Americans. I think it is obvious that the Federal Government must get its fiscal house in order, and that process must begin today. As a new Member of Congress, I am determined to help ensure that this happens.

For more than 20 years, I have helped to manage my family's restaurant in Bangor, ME. I know how hard it is to make ends meet and to produce a balanced budget. For 4 years, I served on the Bangor City Council. Each year, we were the recipients of unfunded mandates. But each year, we were required to adopt a balanced budget. This was never an easy task, and difficult decisions had to be made. For 12 years, I served in the Maine State Senate. Again, every year we faced unfunded Federal mandates, but were required to adopt a balanced budget. Again, it was not an easy task and difficult decisions had to be made.

The American people have watched their State and local officials make tough choices and balance budgets. They are now demanding—and rightly so—that their Federal representatives do the same thing.

The question, of course, is how to achieve this goal. Many solutions have been proposed, some serious, some gimmicks. I am committed to supporting and working to enact proposals that cut Federal spending in a sensible way, without shifting those spending burdens to other segments of our society.

My support for cutting spending without shifting burdens to other segments of society is also why I support unfunded mandates reform. For too long, the Federal Government has enacted legislation setting standards that State and local governments must meet, without providing the money to achieve those standards.

This practice is partially responsible for the high State and local taxes many Americans now pay, and for the lack of funding available to pay for local priorities. This practice is irresponsible, and it must stop. If the Federal Government ceases passing off costs to States and municipalities, States and municipalities in turn will be able to slow the upward spiral of tax rates. Perhaps more importantly, these levels of government will be able to redirect resources that have been used to answer Federal mandates to instead address local priorities.

As a State legislator in Maine, I lived with a similar law. Article IX, section 21 of the Maine Constitution prohibits the State from imposing unfunded mandates on localities unless members of each house of the legislature voted to do so. That provision, like the legislation we are considering today, does not prohibit an unfunded mandate from being enacted. Rather, it requires informed consideration and making an explicit decision to pass costs along to another segment of society. It brings with it accountability.

Historically, the Federal Government has not considered in an organized, honest way the costs associated with various regulatory and legislative mandates that have been imposed on the States. Unfunded mandates reform will force us to do that. It will ensure that all Members have the opportunity to examine the fiscal implications legislation has for States and localities. It will ensure that we do not unwittingly, or covertly, pass along significant costs because it will require a point of order against legislation that does so.

It is only fair that Congress take responsibility in this way. I have seen this concept work at the State level, and I believe it can work at the Federal level as well.

I want to emphasize what it is that I do not support. Let me be clear: I do not favor the wholesale elimination of Federal laws. Many issues are national in scope, and will require attention and action at the Federal level. I simply believe that the Federal Government should stop passing off costs to other governmental entities.

Many of the laws about which the loudest complaints are heard are based on sound and just policy. We need to protect our environment and our precious natural resources. We need to protect the health and safety of America's workers. We need to provide safety nets for our Nation's neediest citizens and access to all aspects of life for persons with disabilities.

These are all important national objectives that have been previously addressed at the Federal level, and I will oppose any effort to eliminate these programs or to roll back the progress we have made in these areas.

The Federal Government has a responsibility to ensure that national goals are met by providing a much larger share of the resources necessary to do the job. To do so and, at the same time, to balance the Federal budget—paying down our national debt—requires making tough choices.

We must reduce Federal spending. But we must do so in a rational, carefully considered way. Our cause is not advanced by recklessly eliminating valuable Federal programs simply for the sake of slashing spending.

The legislation that is before us today is far from perfect. As we consider amendments over the next several days, I will support those that I believe clarify the bill's essential purposes: to establish the general rule that Congress should not impose Federal mandates without providing adequate funds to comply with such mandates.

This legislation will serve as a check on the Congress as it conducts its business. It will provide reassurance to States and municipalities that as we begin to make the difficult decisions required to get the Federal fiscal house in order, we won't do so by simply shifting costs to other levels of government. And the American people should know that this legislation will not result in the rolling back of important laws and regulations that have made the air they breathe cleaner; the water they drink clearer; their work environment safer; or their local library more accessible.

For more than 20 years, as a small businessman and a public servant, I have helped to craft and have supported balanced budgets. I am prepared to make the difficult—and sometimes unpopular—decisions required to balance the Federal budget. I am prepared to spend the next 2 years fighting to make sure that Maine people are well-served by an efficient, compassionate and stream-lined Federal Government that does not adopt policies that raise our income taxes; by a Federal Government that has its fiscal house in order.

The people of Maine have entrusted me with their confidence, and I intend to live up to their expectations. We face many challenges ahead, but working together I know we shall succeed.

Mr. DREIER. Mr. Chairman, I yield 2½ minutes to the gentleman from Lewisville, TX [Mr. ARMEY].

Mr. ARMEY. Mr. Chairman, I thank the gentleman from California [Mr. DREIER] for yielding this time to me.

Mr. Chairman, 2 days ago we passed the Congressional Accountability Act making Congress obey the same laws it imposes on everyone else. Next week we will pass, in a bipartisan fashion, the Unfunded Mandates Reform Act, which will effectively make Congress pay for the laws it imposes on everyone else. Together these two bills express the goals that inspire our entire Contract With America, the goals of reform, respect, and renewal; reform of this institution and of the way we conduct the people's business, respect for

the people who sent us here, and renewal of the Federal system of government bequeathed to us by our Founding Fathers. For too long Congress behaved as if it was booted and spurred to run roughshod over States and private citizens. Well, if our Contract With America was about anything, it is about teaching government, in the memorable words of President Reagan, to work with us, not over us; to stand by our side, not ride on our back.

Think of it. If we pass this bill, we will be doing the most surprising thing imaginable, limiting our own power. I ask my colleagues, "How often do you read a headline that says, 'Congress denied itself today'? Or 'Our lawmakers exercised self-control?'" True leadership is knowing when to say no to yourself for the common good.

No matter how appealing the cause, no matter how tempting the mandate, we must be willing to exercise our legislative authority only when we are willing to pay the costs. Now we can make some reasonable exceptions of course for emergencies, for national security, for constitutional rights. These are proper exceptions to the rule. But these exceptions only prove the soundness of the rule, and that rule is Federal requirements should be paid for with Federal dollars.

This is not just good government. It is the right thing to do. It reflects a sound, moral principle the Founding Fathers took for granted.

Mr. Chairman, it is time that all of us that are blessed to serve in this historic building raise our right hands and solemnly proclaim:

"Henceforth we shall burden the States with unfunded mandates no more forever."

Mr. CLINGER. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. LAZIO].

(Mr. LAZIO asked and was given permission to revise and extend his remarks.)

Mr. LAZIO. Mr. Chairman, I am proud to be a cosponsor of H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress a little over 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar.

Many of my constituents, however, might not realize the adverse effect unfunded mandates have had on their pocketbooks. Considering they pay some of the highest taxes in the country, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will then require us to ask the question: Will we pay for out man-

dates, or will we continue to burden others with the costs?

This is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. Chairman, I am proud to be a cosponsor of the bill we are debating today—H.R. 5, the Unfunded Mandate Reform Act.

Having entered Congress 2 years ago from a background as a county legislator, the issue of unfunded mandates is something with which I am very familiar. Little did I know that a mere 2 years into my tenure, I could offer genuine relief to my former colleagues. I think the Unfunded Mandates Caucus can be proud of what we have accomplished in our short 2-year history.

Passage of H.R. 5 will force Congress to be responsible in its actions. It will force us to make judgments on legislation with full knowledge of the burden it will place on State and local governments. Introducing honesty and full disclosure will require us to ask the question: Will we pay for our mandates, or will we continue to burden others with the costs?

H.R. 5 will not mean the end to environmental legislation, it will not mean the end to civil rights legislation, and it will not mean the end to legislation to protect seniors and children. H.R. 5 will still allow us to pass these initiatives. However, we will just have to stop and consider all of the consequences before we pass them. Then, and only then will we be held fully accountable for our actions.

Many of my constituents on Long Island might not realize the adverse effect unfunded mandates have had on their pocketbooks. However, considering they pay some of the highest taxes in the country, they should know that their tax burden is not entirely the fault of State and local governments. Much of it can be blamed on past action by Congress.

Here is a good example of an unfunded mandate that the people of my district should know about. The Board of Elections in Suffolk County, our home county, is going to face a budgetary nightmare next year, all because of one bill recently passed by Congress—the infamous motor-voter bill.

The Suffolk County Board of Elections has been a model agency in recent years. It has cut costs, operated over the past 7 years without an increase in their operating budget, and was ready to operate in 1995 with \$100,000 less than in 1994. Then, in 1993, the motor-voter bill was passed. It will cost the county \$500,000 to implement in 1995, effectively wiping out their \$100,000 savings, and it will cost over \$1.5 million in 1996.

The people of Suffolk County are already plagued by high taxes. They are not ready to be further burdened by the motor-voter bill.

Many Federal mandates involve important programs that many of us might support in concept. But, if we are going to ask others to pay for them, we should give them more of a say in developing them, we should level with them about who is going to pay for them, and we should be ready to defend the costs.

Mr. Chairman, this is a historic day in the House. At a time when we are asking everyone to make do with less from the Federal Government, we should not mandate them to do more. H.R. 5 will drastically change the way we do business. It will make Congress accountable for the legislation it passes and require honesty when we legislate. This is what the people want, and the country will be better because of it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentleman from Houston, TX [Mr. GENE GREEN].

(Mr. GENE GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Chairman, I thank the gentleman from New York [Mr. TOWNS] for allowing me to address the House.

Mr. Chairman, as a 20-year member of the Texas Legislature, both in the House and Senate, I know about unfunded mandates, and I also oppose them, but I also know that the State mandates on the counties and cities and the counties and the cities mandate on their citizens without providing their funds to those citizens, even our schools mandate on their citizens without providing it, and my children went to public school, and they were mandated to buy a workbook even through we pay property taxes and State taxes, but they could not come to school if they did not pay for that workbook or the folder. So there are mandates from the Federal Government, from the State government, and from the local government, and this concept needs to go forward if it is going to pass here, too.

I support the concept of restricting unfunded mandates, but I am also concerned in hearing my other colleague from Texas talk about respect for this institution. How can we have respect for this institution when this bill did not have a public hearing during this session of Congress? I think we need to learn the full impact it will have on air pollution, nuclear wastes, and so I expect we will have a lot of amendments to try and clarify it.

I hope we have clean water in New York when I come to visit the gentleman because that way I would like to drink it, but I would also like to make sure we do not become a Divided States and continue to be a United States.

□ 1500

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentleman from Washington, DC [Ms. NORTON].

(Ms. NORTON asked and was given permission to revise and extend her remarks.)

Ms. NORTON. Mr. Chairman, no district needs an unfunded mandate bill more than mine. We are close to insolvency in part because of mandates. Thoughtless mandates are a regressive tax. But we deserve better than this blunderbuss bill that throws out the baby with the bath water and then throws in the tub for good measure.

It is irresponsible to try to fix all mandates with one bill. This bill applies to everything from Medicaid, which is 80 percent funded, to crime bill measures like sexual predator, which are completely unfunded.

Yet the critical vote on every bill will be on costs. This bill is brimming with unintended consequences. It is not about mandates. The real subject has not been discussed here, and that is the appropriate role of Federalism in the 21st century. We need an unfunded mandate bill, but in the vernacular of the streets, this ain't it.

Mr. TOWNS. Mr. Chairman, I yield 1 minute to the gentlewoman from New York [Ms. VELÁZQUEZ].

(Ms. VELÁZQUEZ asked and was given permission to revise and extend her remarks.)

Ms. VELÁZQUEZ. Mr. Chairman, before the Republican Party began rewriting history, it was widely thought that the people had entrusted the Federal Government with a number of basic responsibilities. First among them was the protection of its citizens and residents. The Framers of the Constitution listed the promotion of the general welfare as a fundamental duty of the Federal Government.

I am proud to be a member of the party that bore that responsibility in the 40 years that it controlled this House. It introduced landmark legislation to promote the common good, such as the Clean Water Act, the Clean Air Act, the Safe Drinking Water Act, and the Lead Abatement Act.

I am frankly amazed that laws such as these are now singled out as evidence of a runaway government. Am I to understand that the American people are outraged that their children now drink cleaner water and breathe fresher air? Are my colleagues who support this measure being flooded by constituent mail because their kids no longer eat lead-based paint chips?

I urge my colleagues to uphold our constitutional duty to uphold the general welfare.

Mr. DREIER. Mr. Chairman, I am happy to yield 1 minute to my very hard-working friend, the gentleman from Indiana [Mr. BURTON].

Mr. BURTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is a very good bill. It takes a giant step toward relieving the burdens that we have unduly placed on cities and States around this country. It is a great step in the right direction.

There is, however, one part of the bill that I think needs addressing, and toward that end the gentleman from Indiana [Mr. MCINTOSH], the gentleman from Michigan [Mr. CHRYSLER], and myself have an amendment we are going to propose tomorrow which we think is very important. We want to make sure when we stop these unfunded mandates, that we do not give an advantage to the public sector over the private sector. So wherever there is an undue advantage given to the public

sector because of this legislation over a private business that is in competition with the public business or public utility, we ought to make sure there is parity. We are going to propose this amendment tomorrow. We think it addresses this problem. If we do not get it passed tomorrow, I implore the chairman of the Committee on Government Operations to look at this legislation which we will introduce later on in the session.

Mr. Chairman, I hope you will take a hard look at that.

Mr. TOWNS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that this is an issue that I have been involved in now for some time, and I have a lot of respect for the chairman of the full committee, the gentleman from Pennsylvania [Mr. CLINGER].

We worked hard in the last Congress on H.R. 5128. But the bill that is before us is not the same bill that we proposed in the last Congress. It is a different bill.

The bill the last time, we had hearings all over. We had hearings in Pennsylvania, we had hearings in Florida, we had hearings here in Washington, DC, to get input coming from people that are involved in government. We had State elected officials coming, we had county elected officials coming. We had providers of service coming and talking to us about their concerns.

Now, that is the way that we should be involved. We should not all of a sudden go to bed one night and wake up one morning and say we are going to now put forth a bill, we are not going to talk to anybody, and we are going to push it, not knowing exactly what we are doing.

I do not think that is the Contract With America. I think they want to have input, they want to talk, and they want to make certain what we are doing is moving this country in the right direction. That is the view and that is the feeling I am getting.

As I try now to call around and get input and feelings from people that are going to be affected by what we are doing here, we do not have enough time to do it. The only way to do that would be to have hearings.

Now, I am just listening in terms of the fact that first of all, the dumping part. We should take some time and address that, to find out just what are we really doing here. We do not have to do this this way. This is not good government. We have too many unanswered questions here to move forward.

Now, I have been a supporter of this legislation all along. But I will be honest with you, what is before us now I cannot support, because to me it is not moving in the direction that I feel that the American people want us to move in. They do not want unfunded mandates, but they want to make certain what we are doing is not going to make the situation worse.

I am not sure. I have not had enough time to go over it. I have not had

enough time to talk to people involved in terms of administering this program once we order it. There is a lot of questions here that nobody has been able to answer. And I think the only way you answer them is to talk to people.

We need to talk to experts out there. We have not talked to them. This is the kind of legislation that the magnitude of it requires a discussion. And I am disappointed over the fact that the people that are moving it forward, as I look now, 50 percent of the people that are on the committee this year were not on the committee last year.

It is a different bill. So I am hoping that tomorrow they would allow us to fix this bill. And if we cannot add amendments to fix it, I have to vote against it.

Mr. DREIER. Mr. Chairman, I am happy to yield 2 minutes to the gentleman from Omaha, NE [Mr. CHRISTENSEN], a new Member of the House, from the Committee on Ways and Means.

Mr. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise to day in support of H.R. 5, the Unfunded Mandate Reform Act of 1995. This bill represents a bipartisan effort to address a very serious problem. For too many years the Federal Government has imposed a hidden tax on State and local governments in the form of unfunded mandates.

Unfunded mandates are Federal laws and regulations that impose costly duties on State and local governments, and without providing the money to pay for it.

In the past 10 years alone, Congress has passed 72 unfunded mandates, including mandates on clean air and water, toxic waste cleanup, asbestos and lead paint removal, and public access for the disabled. While there are no comprehensive estimates of the total cost of all unfunded mandates, one study estimates that just 10 of these 72 mandates cost over \$72 billion a year.

H.R. 5 would put an end to Congress blindly imposing unfunded mandates on the States without regard to their cost. Specifically, H.R. 5 establishes a point of order against any future mandate which does not have a CBO cost estimate and creates a second point of order against any future mandate if Congress does not provide a way for paying for it.

Congress can by a majority vote waive these points of order. However, H.R. 5 will for the first time guarantee that Congress does not impose additional mandates on the States without a full and open debate on the cost and impact of these mandates.

In short, H.R. 5 is about responsibility and accountability. As Members of Congress, we have a responsibility to take action and to make sure this proposal passes so that the American people can once again have their representation speak for them in the U.S. House of Representatives.

□ 1510

Mr. CONDIT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, let me say a word of thanks to my colleagues on both sides of the aisle for allowing me the time that they did and for allowing us to speak in favor of H.R. 5. And for my colleagues who were here today to speak in favor of it, they would also like to give a word of appreciation to both sides of the aisle for that.

I look forward to the next couple days when we will debate the amendments to H.R. 5. I think that will be a positive and constructive thing for us to have that debate.

We will talk about what we have heard today, the threat to public health. Let me just make a quick comment. This bill is no threat to public health. This just simply says that if we think it is good enough to be a national policy, then it is good enough to fund. It does not remove the clean air standards. It does not remove clean water standards. It simply says that if we think it is good enough to legislate and mandate across the country, it is good enough to pay for.

The private sector thing, the gentleman from Indiana [Mr. BURTON] said he has an amendment, we should consider that amendment. But I hope those Members who brought up the private sector section will help us when we get to risk assessment and cost analysis. Risk assessment will correct the private sector problem, and we look forward to that support and help on this side of the aisle.

The unfortunate result of this whole process is that State and local governments must devote locally raised revenues or reduce local services in order to pay for the unfunded mandates that we impose on them.

H.R. 5 gets at the fundamental unfairness of this process and thus ushers in a new era in the Federal, State, local partnership. I emphasize partnership because State and local governments are not some ordinary special interest group as some in this body allege. They are, instead, individuals who are elected and held accountable by the very same citizens who have sent us here to do the public's business.

Contrary to what some have alleged, H.R. 5 is not about the merits or demerits of individual mandates. We all want clean air, clean and safe drinking water, and safe working conditions. There is not a single mayor, county supervisor, or Governor in this country who is not in favor of these goals.

Instead, H.R. 5 is about putting some control into a process that is out of control.

Under H.R. 5, we will, for the first time, get accurate and reliable information on the cost of unfunded mandates.

H.R. 5 will encourage Congress and the Federal Government to consult and work with State and local governments on how best to address the Nation's problems.

And finally, H.R. 5 is about accountability. H.R. 5 does not prohibit unfunded mandates from ever being passed by Congress. It merely says that if you are not going to pay for a new mandate, then come down to the floor and go on record for doing so.

Today, you will hear a lot of horror stories about how H.R. 5 will take us back to the dark days when we did not have adequate safeguards on environmental, health, and safety issues. Nothing could be further from the truth.

First, it is important to note that H.R. 5 is not retroactive. I stress that point—the bill is not retroactive. Therefore, it will not undercut or diminish existing health or safety standards.

Second, H.R. 5 will not apply to reauthorizations unless the reauthorizations include new mandates and then only the new mandates would be subject to the bill.

Third, H.R. 5 will not prohibit us from ever passing new unfunded mandates. Under the bill, a majority of the House or Senate can waive the point of order enforcing the funding requirements and impose a new unfunded mandate.

Fourth, H.R. 5 will not unfairly disadvantage the private sector at the expense of the public sector. I might add that the Chamber of Commerce, NFIB, the Homebuilders, and the National Association of Realtors enthusiastically support this bill.

In closing, I ask that all Members keep these points in mind. I welcome the healthy debate that I am sure will follow when we get to the proposed amendments. However, I would hope that all Members debate this bill on the merits and resist from using hyperbole and outright mischaracterizations in order to denigrate and distort this bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, as we close this general debate before we proceed to the chairman of the Committee on Government Reform and Oversight, I would like to add one very important point to that that was raised by my friend, the gentleman from California [Mr. CONDIT].

As we look at this overall issue, it not only says that we have to make the decisions here that we are going to fund it, but it also says that we are going to be accountable.

What has happened in the past, tragically, is that the Congress has regularly snuck in these little provisions which have imposed an extraordinarily onerous regulatory burden on State and local governments and the private sector without providing any kind of funding. And none of us have been accountable because it has been snuck in there. So all this legislation says is, we have to make tough decisions and we have got to stand up, when those decisions are facing us, and say yea or nay. That is really what this legislation does.

If my colleagues look at State and local governments, they all the way across the board support this. Our Contract With America basically states that we want to reduce the size and scope of government and we want to move back to the State and local levels decisionmaking rather than having it centered inside the beltway.

That is exactly what this legislation will ultimately do, because I am convinced that our new majority will decide, when faced with these tough decisions, that unfunded mandates are not the way to go. It is not the way to be

responsive to the American people. And I will strongly support H.R. 5 and congratulate all my friends who have worked so hard on this legislation.

Mr. CLINGER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I express my thanks to all who have participated in this debate. I think we have had a very wide-ranging debate and a number of issues have been raised. I look forward to the amendment process that will begin tomorrow.

I think there have been a number of perhaps misconceptions talked about here today that I would just briefly touch on. And it really has to be stressed. This is not a retroactive bill. It is not going to affect mandates that are on the books now. It will require a commission to look at existing mandates and determine if some of them have outlived their usefulness, but it in no way is going to abrogate any mandate that is on the books at the present time. Now is it going to prevent us or make it impossible for us to impose other mandates that we deem in our judgment to be necessary to pass without providing the necessary funds. But it does require us to at least consider the cost.

I think that has been the problem too often in the past. The fact that we now have 176 Federal mandates, we have never really been required to consider what is the cost that we are imposing on State and local governments.

There have been a couple of things that were raised here today that I think need to be corrected. It was suggested that perhaps the title IX requiring equality for women in sports programs, under title IX would have been affected. That is a civil rights bill. That is exempt under this bill. Another suggestion was that we would not be able to impose conditions on grants. That is clearly exempt. Any conditions of a grant of Federal funding is also exempt from this bill.

So that what we have, Mr. Chairman, I think, is a bill that clearly needs to be addressed. We will address it. I would agree that we have had a very full and wide-ranging debate here today. But it is not retroactive. It is only prospective in view and it really is only saying, let us consider what we are doing. What have we wrought, what have we imposed upon State and local governments that has made all of them universally crying for this legislation at the soonest possible moment.

Mr. HASTINGS of Washington. Mr. Chairman, former Senator John Sharp Williams, an admirer of Thomas Jefferson, once noted that: "My reading of history convinces me that most bad government has grown out of too much government." This is exactly the problem that we are attempting to address in today's debate.

When I first began working for my father's small business many years ago, the onslaught of Federal mandates on our local communities had only just begun. Later, as a Washington State legislator, I saw first hand how destructive Federal mandates could be. Today, the

Federal Government has used the mandate loophole to radically expand the scope of Federal intrusion into the lives of all Americans. Our constituents have paid the price in an ever-increasing State and local tax burden, and in unnecessary restrictions on our struggling regional economies.

The U.S. Constitution set up a clear delineation in powers between the State and Federal governments. The Founding Fathers wanted to make certain that the Federal Government would have limited power to infringe upon States rights, or to raid State coffers. But like an octopus, the Nation's bureaucracy has slowly but surely extended its power and influence, and in so doing has eroded many of the Constitution's fundamental provisions.

Let me give you a few examples.

Federal regulations are forcing one country in my home State of Washington to spend \$142,000 to convert their traffic signs to the metric system. Never mind that almost none of my constituents have any interest in making the conversion. Never mind that the money might be better used to improve our schools, refurbish our infrastructure, or reduce our constituents' taxes. Never mind that the regulation defies common sense. My constituents are forced by the bureaucrats to comply with this unfunded mandate.

The Intermodal Surface Transportation Efficiency Act—passed by Congress in 1991—has forced my State to include recycled rubber in asphalt laid by federally funded highway construction projects. Never mind that engineers are divided on the wisdom of this program. And never mind that this Federal provision may well cost Washington State tens of millions of dollars. My constituents are forced to comply with this unfunded Federal mandate.

Unfunded mandates impose enormous costs on cities in my district as well. One, Kennewick—a city of approximately 40,000 residents—estimates that Federal mandates cost it more than \$4 million a year. And nationwide, the U.S. Chamber of Commerce has estimated that the cost of complying with Federal mandates has grown to almost \$600 billion.

Mr. Chairman, the people of this Nation spoke with one voice this past November. They want less Government, less regulation, and lower taxes. They also want a Government that is more responsive to local concerns.

They're exactly right. And the best way for us to combat the mandate plague is to make it more difficult for Congress to usurp the constitutional prerogatives of our State and local leaders. That is what this legislation would accomplish, and as a result, I urge an "aye" vote on this measure.

Ms. PRYCE. Mr. Chairman, I rise in support of H.R. 5, the Unfunded Mandate Reform Act of 1995.

Eight years ago, Gov. George Voinovich of the State of Ohio spelled out exactly why this legislation is so necessary. He said:

Over the past 20 years, we have seen the expansion of the Federal Government into new, nontraditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to preempt State and local authority and to mandate actions on State and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch, and the U.S. Supreme Court have caused some

legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

I support H.R. 5, Mr. Chairman, because it restores balance to the Federal, State, and local relationship envisioned by the Framers of the 10th amendment.

Under the current system of mandating, State and local leaders are forced to cut vital services and raise taxes. But worse yet, mandates deprive citizens and their elected representatives of one of the most fundamental responsibilities of good government: the ability to prioritize government services. The public is not well-served when Congress arrogantly passes on new mandates that force mayors to think twice about putting new police officers on the street or Governors to delay implementing needed reforms in education.

Without effective relief from unfunded mandates, Washington will soon bankrupt State and local governments. The State of Ohio has estimated that unfunded Federal mandates will cost the State more than \$1.74 billion between 1992 and 1995. The city of Columbus, in my district, estimated that its total spending on 14 major mandates would be \$1.6 billion between 1991 and the year 2000. By the year 2000, each Columbus family's share would be \$850 per year.

These costs have a tremendous impact. In the past 5 years, education in Ohio has declined as a share of State spending nationally at a time when improving education is one of this country's highest priorities.

While many mandates are well-intentioned, they can also do more harm than good and have unintended results. A good example is the most recent Federal highway law which forces States to use scrap tires in highway pavement. No State transportation agency supported this idea, and many experts have serious concerns about the potentially harmful environmental effects of using scrap tires in pavement, but that did not deter Congress from passing the mandate.

The legislation before us reminds us of the two basic questions for all public officials: What should government do, and what level of government should do it?

Since no level of government—Federal, State, or local—has the luxury of unlimited financial resources, we should not judge public officials by how much they spend on solving a problem. They should be judged on their initiative and resourcefulness, and on what they can accomplish within their means.

H.R. 5 is a long overdue step toward correcting an abuse of power by Big Government in Washington and revitalizing the Federal-State-local partnership which forms the basis of our society. As a cosponsor of the bill, I urge its adoption without any weakening amendments.

Mr. BUYER. Mr. Chairman, as the recent elections have proven, the Washington-knows-best attitude can be no more. For too long the Federal Government has usurped the 10th amendment of the U.S. Constitution, the specific intent of our Founding Fathers. It has also stifled the growth of our Nation's businesses because of the cost of compliance with Federal mandates. It is time this body recognized States' rights and ensure States and local communities are allowed to determine how best to resolve their own problems. And, it must also be fully aware of burdens it is placing on the business community.

The people of my district have elected several ingenuitive and responsible leaders in cities like Plymouth, Lowell, DeMotte, Warsaw, Knox, Peru, Kokomo, and Marion, as well as others. These elected officials have been challenged to solve local problems, create economic growth and development, and provide necessary services at minimal costs. However, recently, the Federal Government has redefined their responsibilities into being able to comply with Federal regulations, sift through the Federal bureaucracy to obtain grants and financial assistance, and practice budgetary wizardry to fund these mandates along with all of the necessary local programs. By shifting costs to local communities and setting its agenda, unfunded Federal mandates breach the underlying principles of federalism which assume a working partnership and shared responsibilities between the Federal, State, and local governments.

Over the past few years, State and local officials in my district have continually pleaded for relief. Business leaders have explained that they are being forced to make decisions based on Federal regulations rather than the market economy. The Federal Government has not only tied the hands of these officials and business leaders, but, through mandates, it has determined the agenda and has set the priorities at all levels of government. In fact, both Cedar Lake and Monticello, cities in my district, have had to bear the cost of additional loans to address much needed sewer projects, which had been deferred due to the costs of compliance with Federal mandates.

Last week, I spent the day talking and listening with the members of the Indiana General Assembly. They want to work with the Federal Government, but they know all too well the Federal Government's help too often means more burdens, requirements, and budget outlays—the Safe Drinking Water Act, the Clean Air Act, the Motor Voter Act, and last year's crime bill to name a few. They explained that instead of being able to address the concerns and needs of their communities, they have become administrative servants of the Federal Government. They are constantly compelled to comply with mandates, rules, and regulations, which demand too much time and too many resources.

Business leaders have told me the same thing. They are forced to devote their time and additional employees to make sure they comply with Federal rules and regulations, rather than assisting customers and promoting growth and development. Some businesses have closed plants and eliminated jobs because of the cost of compliance with certain mandates. These Federal regulations have forced many producers to rely, in part, on foreign sources, rather than their own.

A small businessman in my district confessed to me that even though the growth of his business is such that he would be able to hire additional employees, he will manage with his current 46 employees. He explained that the Family and Medical Leave Act, which affects business of greater than 50 employees, would place too many costs and burdens on his business, even though he has already instituted a policy allowing for employee leave.

We have set an ambitious agenda to meet the demands of the American people. However, we would only be fooling ourselves and

conducting more business-as-usual if we were to pass the balanced budget amendment, increase defense spending, grant family and business tax cuts, and enact another crime bill without also passing the Unfunded Mandates Reform Act.

Congress, by passing this legislation, will finally show it is committed to not only limiting the heavy Federal arm, but also to being better informed in its decisionmaking and accountability, including being aware of the costs State and local governments and businesses would bear. This Congress should require cost estimates on mandates, funding to be identified in the legislation, agencies to do cost/benefit analyses of regulations, and, most importantly, input from those who would be affected by mandating legislation. This opportunity must be seized without further delay or weakening amendments.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this piece of legislation. I want to make it clear from the outset that I believe the Federal Government must assist State and local governments in meeting financial obligations associated with legislation passed by Congress. I have been a consistent supporter of directing Federal resources to the local level to assist them in complying with Federal statutes. At the same time, I firmly believe that the Federal Government has an overriding obligation to protect the health, safety, and well-being of every American. This bill will greatly undermine the Federal Government's ability to provide equal protection to our citizens and will compromise 25 years of progress in environmental protection, civil rights, and many other areas.

I have several concerns about this bill. First, it establishes a new Federal advisory committee to conduct a review of all Federal requirements. For many years, my Republican colleagues have been arguing that we should not establish any new advisory committees and that we should eliminate many we already have. I would suggest that the existing Advisory Commission on Intergovernmental Relations [ACIR] is ideally suited to conduct such a review. A majority of its members are representatives of State, local and county governments and it also includes Members of Congress and executive branch officials. For the past 20 years the Commission has been studying the mandate issue and the interaction between various levels of government. Just last week ACIR released two reports addressing how to accurately calculate the costs of Federal requirements and how to define Federal mandates. I believe the Commission has the personnel and the expertise to examine the mandate issue. As a result, I will offer an amendment with the Mr. SCHIFF, Mr. MORAN, and Ms. MEEK to require the Advisory Commission on Intergovernmental Relations to conduct the review required by the bill. This is a common sense amendment that I urge my colleagues to support.

Second, the regulatory review requirements contained in title II of the bill are already required by Executive Orders 12866 and 12875 which President Clinton issued in the fall of 1993. In fact, the Office of Management and Budget [OMB] is currently developing a process to evaluate the effects of mandates and gather input from State and local governments. Title II merely duplicates requirements which already exist. Therefore, it is unnecessary.

Third, it is ironic that a bill seeking to reduce mandates on one entity would impose dramatic new mandates on others. This legislation requires the Director of the Congressional Budget Office [CBO] to review every bill or joint resolution reported by a committee. This review must determine whether the mandate will cost State and local governments more than \$50 million or the private sector more than \$100 million in any given fiscal year as well as determine whether additional Federal funds are provided to cover those costs. While the CBO is required to review certain legislation under current law, this particular measure places a massive new burden on this agency.

While I am concerned about the above, my main opposition to this bill stems from the effects it will have on the health, safety, welfare, and economic security of every American. Under this legislation, bills imposing certain requirements on States and local governments would be ruled out of order if they are projected to cost more than \$50 million. Legislation exceeding this limit would only be protected from a point of order if it authorized funding to cover the full costs of the requirement or provided a mechanism for Federal agencies to reduce State compliance to some level equal to the funding contained in the bill. Moreover, in spite of assurances by supporters of this measure that it will only apply to future legislation, I remain very concerned that attempts could be made to use this bill to undermine existing legislation when it is reauthorized or amended. Furthermore, while the bill seeks to provide relief to local governments, it will disadvantage private sector enterprises which provide services similar to local governments.

Mr. Chairman, the underlying logic of this bill is deeply flawed. In essence, it assumes that State and local governments would not take steps to treat sewage or provide clean drinking water to their citizens or work to ensure access to public buildings for handicapped citizens in the absence of Federal standards. In addition, it argues that the Federal Government must pay the full costs of every action which results, even in some remote way, from a Federal requirement in order for States and localities to comply. I believe the shortcomings in this reasoning are transparent.

Obviously, States and municipalities will take, and do take, steps to protect the health and welfare of their citizens. Federal requirements, such as those set forth in the Clean Water and Safe Drinking Water Acts, are designed to ensure a minimum degree of protection for every American because all States do not invest equally in addressing problems. What proponents also fail to recognize is that many problems are regional or national in scope and the Federal Government is the only entity which can set standards or devise a course of action to address them. I believe the Clean Air Act and Civil Rights statutes are perfect examples of this reality.

Under these laws, and many others, the Federal Government has provided funding to assist the States in complying with the minimum standards. In fiscal year 1995, Congress appropriated nearly \$3 billion to assist States in upgrading their water treatment infrastructure to help to ensure that every American, regardless of which State they live in, will have pure drinking water. These two statutes are only one example of Federal support flowing

to the States. In fact, budget figures show that in fiscal year 1993 Federal outlays for grants to State and local governments totaled \$155 billion and that figure was projected to increase to more than \$169 billion in fiscal 1994. These transfers represent more than 3 percent of our gross domestic product [GDP].

If we apply H.R. 5 to the above example, States would not have to upgrade water treatment facilities if the total costs exceed the Federal contribution. This bill does not take into account the inherent responsibility of a State to carry out this activity or make any allowances for emergencies or vitally important projects. It merely sets up an arbitrary cutoff point that lets states off the hook if the Federal Government does not pay the full costs of what most would agree are shared responsibilities. Moreover, this bill rewards States that have not taken the initiative to address certain problems and penalizes those which have been leaders. H.R. 5 works to bring everyone down to the lowest common denominator. I believe my colleagues will agree that this is not a goal we should be shooting for in this body.

Finally, this bill will put many private sector businesses at a competitive disadvantage. While States will be exempt from Federal requirements if the costs are not fully covered, the same will not apply to businesses. This disparity could be devastating to any small business which provides services that local communities might also provide. For example, if a local government is exempt from complying with certain provisions of the Resource Conservation and Recovery Act [RCRA] relating to waste disposal, it could drive small waste haulers and private waste disposal firms out of business. The effect of this bill would be to establish different standards for hospitals, universities, and many other entities performing identical tasks based on whether they are owned by a State or private company. This distinction demonstrates how this bill works to merely shift responsibility to comply from the public to the private sector. Unfortunately, because this bill was not subject to any hearings this Congress, we do not fully understand the implications of this shift. This is especially disturbing in light of the fact that small business is the engine which drives economic growth in this country.

Mr. Chairman, this legislation is seriously flawed. It creates an unnecessary new bureaucracy and places unprecedented burdens on Federal agencies and the CBO. More importantly, it will work to reverse the progress we have made over the past 25 years in environmental protection, public health, worker rights, and equal protection for all Americans. It throws the notion of shared responsibility between the Federal and State governments completely out the window. In addition, it will place small businesses at a competitive disadvantage vis-a-vis State and local governments. In the final analysis, this bill will degrade the quality of life for all Americans. I urge my colleagues to reject this ill-conceived measure.

Mr. HAYES. Mr. Chairman, the premise behind H.R. 5, the Unfunded Mandates Reform Act, is fiscal responsibility.

I cosponsored this legislation with that objective in mind and because I am appalled by the Federal bureaucracy's arrogance with respect to suggesting federally conceived one-size-fits-all solutions to local problems without

regard to who must pay for them. If H.R. 5 truly represents a progressive step toward the Federal Government setting priorities in a fiscally prudent manner, then the bill itself should not end up being an unfunded mandate on the American taxpayer.

As the Chairman is well aware, title III of this bill authorizes \$4.5 million for the Congressional Budget Office [CBO] to perform critical economic analysis of the impact that legislative proposals will have on State and local governments and the business community. Although a very worthwhile and necessary function, authorizing funding without offering specific offsets merely shifts responsibility to the appropriators, and with our budget already stretched to limits, questions of funding should no longer be left to chance. Once again, entrenched institutional ideals will postpone the hard decisions for a later date. It is this type of logic that has resulted in our national debt ballooning to \$4.5 trillion.

House rules preclude me from offering an offsetting amendment at this time. Therefore, I plan on proposing an amendment to the House legislative branch appropriations bill which will direct a reduction in the official mail or "franking" account of \$9 million. Under this amendment, Members of Congress would experience a further reduction in their free mail account to more than offset the costs authorized by this bill so that local and State governments and the private sector have all the pertinent economic information about the impact of proposed regulations and laws. If the 104th Congress really has the vision to deliver needed reforms in the way our Government does business, then actually providing relief from unfunded mandates as well as the Federal deficit is the very least we owe the American people.

Mr. GOSS. Mr. Chairman, our States, counties, cities, and towns have all experienced the frustration of unfunded Federal mandates in one form or another. As the first mayor of Sanibel, FL, and later as chairman of the Lee County Commission, I became much too familiar with the pressures that such one-size-fits-all mandates put on local budgets. It has become a very bad habit for the Federal Government to tell their State and local counterparts what to do, often spelling out how to do it, and usually doing so without consideration of the costs involved or the unique characteristics that make our localities differ from one another. I am gratified that today we are moving to reverse that trend and establish safeguards against such irresponsible Federal dictates in the future.

The Committee on Rules has original jurisdiction over the changes and additions to the House Rules contained in H.R. 5. We considered title III, after a very thorough and informative briefing by CRS and CBO, and after listening to a broad array of views during an extended committee hearing.

The nuts and bolts of the rules changes in this bill have been pretty well explained—it will be out of order for the House to consider legislation that creates a new unfunded mandate, above a certain, national trigger cost level, on States and local governments. This point of order can be waived by a majority vote if enough Members of this House feel that the need for the mandate is urgent. While this will not automatically stop all new mandates in their tracks, it will force the House to take the issue of the unfunded mandate specifically

into consideration, casting an up or down vote, in full public view on the issue of whether to proceed with such a mandate or not. Accountability in short.

As a strong supporter of this bill, I nonetheless did have some concern over the possible unintended consequences it could have on existing environmental and public health laws. As initially drafted, it was unclear whether the cost of existing programs, such as the Clean Water Act, would be counted toward the \$50 million trigger in this bill when such programs came up for reauthorization. While it's clear that the intention of this bill's authors was never to gut the provisions of every piece of environmental legislation, I am pleased that we were able to further clarify this point in the Rules Committee through an amendment to title III. That amendment makes it clear that only the incremental costs of new mandates will count toward the \$50 million trigger. This keeps within the spirit of H.R. 5, in looking ahead to future mandates while a commission reviews all existing mandates.

Mr. Chairman, this is a good bill, complicated by the nature of the subject, but well thought out. A host of talented Members, State officials, and staff worked long hours to bring us to this point. Congressional action to reverse the trend on unfunded mandates is long overdue and vital to the financial stability of our State and local governments. For more accountability, for thriftier spending, for better Government—I urge my colleagues to support H.R. 5.

The CHAIRMAN. All time for general debate has expired.

Mr. CLINGER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. EMERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5) to curb the practice of imposing unfunded Federal mandates on States and local governments, to ensure that the Federal Government pays the costs incurred by those governments in complying with certain requirements under Federal statutes and regulations, and to provide information on the costs of Federal mandates on the private sector, and for other purposes, had come to no resolution thereon.

#### APPOINTMENT AS MEMBERS OF THE JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to the provisions of 15 U.S.C. 1024(a), the Chair, without objection, appoints as members of the Joint Economic Committee the following members on the part of the House:

Mr. SAXTON of New Jersey;  
Mr. EWING of Illinois;  
Mr. QUINN of New York;  
Mr. MANZULLO of Illinois;  
Mr. SANFORD of South Carolina;  
Mr. THORBERRY of Texas;  
Mr. STARK of California;  
Mr. OBEY of Wisconsin;  
Mr. HAMILTON of Indiana; and

Mr. MFUME of Maryland.  
There was no objection.

#### APPOINTMENT AS MEMBER OF THE HOUSE PAGE BOARD FOR THE 104TH CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable RICHARD A. GEPHARDT, Democratic Leader:

HOUSE OF REPRESENTATIVES,  
OFFICE OF THE DEMOCRATIC LEADER,  
Washington, DC, January 19, 1995.

DEAR MR. SPEAKER: Pursuant to section 127 of Public Law 97-377, I hereby appoint the following Member of Congress to serve on the House of Representatives Page Board for the 104th Congress: Representative DALE KILDEE.

Sincerely,

RICHARD A. GEPHARDT.

#### EXTENSION OF AGREEMENT BETWEEN THE UNITED STATES AND ESTONIA CONCERNING FISHERIES OFF THE COASTS OF THE UNITED STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 104-21)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

*To the Congress of the United States:*

In accordance with the Magnuson Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.), I transmit herewith the Agreement between the Government of the United States of America and the Government of the Republic of Estonia Extending the Agreement of June 1, 1992, Concerning Fisheries Off the Coasts of the United States. The Agreement, which was effected by an exchange of notes at Tallinn on March 11 and May 12, 1994, extends the 1992 Agreement to June 30, 1996.

In light of the importance of our fisheries relationship with the Republic of Estonia, I urge that the Congress give favorable consideration to this Agreement at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, January 19, 1995.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now entertain requests for 1-minute statements.

#### CONGRATULATIONS ALBION

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)