

today after sitting in my office and listening to one of the speakers on the House floor during 1-minute speeches, my good friend and colleague, the gentleman from Maryland [Mr. HOYER], discuss with you and our colleagues in this body today the reasons why he felt that spending increased so dramatically during the Reagan and Bush years, and he emphasized the point that Ronald Reagan and George Bush could have used their veto pen to stop the excessive spending during that time period.

Mr. Speaker, we have to look at the facts, and the facts are quite different than the way my friend and colleague presented them to the American people.

First of all, as all of us in this body—my good friend and colleague is here. Thank goodness. We can have a little dialog here. As my good friend and colleague knows and as all of us in this body know, the President does not spend one dime of money unless it has been first of all appropriated by the Congress, and the House and the Senate meet in their 13 various appropriation bill processes to decide how much money we are going to spend in each of 13 different categories of the Federal budget, and our good friend is a member of that Committee on Appropriations. The process is set up in such a way that the President is given 13 opportunities to veto the amount of spending set by the Congress.

But guess what happened, Mr. Speaker, during the 12 years of Mr. Bush and Mr. Reagan? This body did not pass the 13 appropriation bills, except in one instance, and that happened to be in 1988. In fact, the other side of the aisle, which controlled the Congress, perfected the art of the continuing resolution; in other words, backing the President into a situation where not giving him the chance to veto the spending bills, allowing all spending authority to expire in the fall, and then having us pass a continuing resolution.

My first year in this body, Mr. Speaker, it was 2:30 in the morning, 2 days before Christmas, that we were given a massive document that none of us had seen, and we were told this was going to be the spending blueprint for the country the following year. The document was brought to the House floor. We were given one chance to pass it, which we did, and then the President was given 1 chance, not 13 chances, 1 chance, to veto the spending levels set by this Congress. So, he was backed into a corner, and what did he do?

Like the previous 7 years, or 6 years, Mr. Speaker, he signed that continuing resolution setting the spending authorities and appropriation levels that this body in fact agreed to.

More important than that, not only was the President not given the ability to veto individual spending bills, but the President was not given the line-item-veto authority.

Now, Mr. Speaker, the current President of the United States, Bill Clinton,

campaign on the need to have a legislative line-item veto. In fact, he said during the campaign that, like the other 43 Governors in America who have line-item-veto authority, he wanted to have that as the President. But guess what, Mr. Speaker? The leadership of his party in the Congress would not give him line-item-veto authority legislatively so he could go through the individual spending bills and redline the pork and the garbage.

We are going to give Bill Clinton legislative line-item-veto authority to do what we would like to have had Ronald Reagan and George Bush do during the 12 years that they were in office.

Mr. Speaker, it is unfair to say that the President of the United States controlled how much money we spend. In fact, we say, well, that is a budget, and the budget is what we agree to. During my first 6 years in office almost every spending bill that we passed, the first provision waived the Budget Act, so it did not matter how much was in the budget. We waived the Budget Act and passed whatever amount of spending that we in this body decided was important for that particular issue.

So, the tools are here, and to say that this was all the fault of the President, be it Ronald Reagan or George Bush when we handicapped him with a continuing resolution, when we handicapped him with no line-item veto, when we handicapped them by backing them into a corner at the 11th hour, I think is wrong, and I am glad my good friend and colleague has shown up, and I would yield to him, the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding.

I was in the Cloakroom when I heard him reference my previous 1-minute, which, of course, was in response to a line of new Members on the gentleman's side of the aisle getting up and pounding their chest about the balanced-budget amendment and how irresponsible the previous 40 years of Democratic leadership in the Congress had been. I think it is appropriate, as the gentleman says, that the American people have the facts and have the truth.

First, let me say to my friend—and I mean that sincerely; Mr. WELDON and I are close friends; we work closely together on a number of issues—that I think my portrayal was accurate.

First, I would ask my friend if he knows that the President—forget about continuing resolutions, forget about the actions of the House, forget about the actions of the Senate—if my friend is aware of the fact that in the budgets that Presidents Reagan and Bush transmitted to Congress their administrations wrote, untouched by Democrats, and asked for more spending than the Congress appropriated. Is my friend aware of that?

Mr. WELDON of Pennsylvania. Mr. Speaker, taking back my time—and I will be happy to yield further to my friend—I am well aware of that, and I am also well aware of the fact, as is my

friend, that in this body budgets submitted in the past by this body have been ignored year after year after year. So I am aware of that fact.

Will my friend admit on the record that this body has passed numerous spending bills during the Reagan and Bush years that waived the Budget Act that this body passed, largely on the Democrat side? Is my friend aware of that?

Mr. HOYER. Mr. Speaker, I am aware of it. It is a totally esoteric question that I think has no relevance to our colloquy.

Mr. Speaker, may I ask, did my friend ask for 5 minutes?

Mr. WELDON of Pennsylvania. Yes.

Mr. HOYER. That is lamentable.

Mr. WELDON of Pennsylvania. We will continue this at a future date.

Mr. HOYER. Mr. Speaker, I would love to do that.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The time of the gentleman from Pennsylvania [Mr. WELDON] has expired.

#### THE FEDERAL MANDATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from California [Mr. MILLER] for 60 minutes.

Mr. MILLER of California. Mr. Speaker, I would say to the Members of the House that at the end of this week and the beginning of next week the House will consider a proposal dealing with the issue of unfunded mandates. More importantly, what we will be dealing with is a most serious attack led by the Republicans in the Congress on the basic laws in this country that hold this Nation together as a society and deal with our common interests and our common concerns for the purposes of achieving social progress in this country.

This is the body of laws that has moved us from a dangerous and polluted workplace and from a dangerous and polluted society to one where we now take into account those measures to protect our environment and to protect our workplace. These are the laws that protect our workplace. These are the laws that protect the waters of our lakes and our rivers and make those waters safe to drink, along with the ground waters and the basins that run from State to State. These are the laws that protect the air that we breathe, the laws that guarantee that a handicapped child can go to school, and that mandate background checks for child-care workers so that we know that when parents drop their children off in the morning, they will not be victimized by child molesters or others who would seek to take advantage of them.

It is these laws that require those background checks and the fingerprinting that are now in place. It

is these laws that protect our children against the exploitation of child labor and at the same time make sure that when their mothers and fathers go off to work in the morning, they will work in a safe workplace and they will be paid at least a minimum wage. These are the laws that form the basis of a partnership between the basic levels of government, Federal, State, and local, that have provided unparalleled social progress for this country for the experience that we have all had over the last 50 years.

It has not always been a willing partnership because very often local governments are not interested in cleaning up the sewage that they freely pump into the rivers of this Nation. The State governments that surround and have an impact on the Chesapeake Bay or San Francisco Bay or Houston Bay or Santa Monica or the Florida Bay are not always interested in cleaning up their water-treatment facilities or stopping the runoff from their farmlands and the pesticides that flow into those bays that now threaten the very environment and the existence of the Florida Keys, or the Florida Bay, that generate millions and millions of dollars in the tourist economy as Americans and visitors from around the world come to experience the beauty, the assets, and the recreation of the Florida Keys and Florida Bay. And yet if the State of Alabama under this law chose not to meet the clean-water mandates, it would make no difference what the cities and the counties and the State of Florida do in terms of cleaning up Florida Bay.

If the States along the Ohio and the Mississippi Rivers and the municipalities decide that they are not going to clean up their sewage, that they simply are going to do as they have done in the past because it has always been cheaper in the short term to pump the sewage, to let it flow into those rivers, it will make no difference what the States of Louisiana and Mississippi do to protect their fisheries, to protect the economy that relies on the river and on that great delta, because the pollution knows no State boundaries, no municipal boundaries. It does not know a conservative mayor from a liberal mayor. It makes no difference whether a city council votes for the money or does not, the pollution moves out throughout our society.

That is why we have national laws—the Clean Air Act, the Clean Water Act, and the Safe Drinking Water Act—in this country, because we know we must have a unified effort, we know we must overcome the local politics where people decide in cahoots with industry or with a certain group in their neighborhoods that they do not want to spend the money to clean that up.

It also happens in the education field, where before the Education to the Handicapped Children Act, children with cerebral palsy, children with Down's syndrome, children with retardation, and children in wheelchairs or

on crutches or with the aid of walkers or breathing machines were told that they could not come to school, that they could not participate in our classrooms, but because we have a Federal law that says, "If you want education money, you're going to have to educate these handicapped children," millions of children that were not given an opportunity now not only have gotten an education but they have had an opportunity to get a job and to live independently and to provide for themselves and in many instances for their families. And I have to tell the Members that there is not a Member of Congress that has not had a parent of a handicapped child come to us and say, "But for that Federal law, my child would have never gotten an education," because the school board thought it was too expensive, the school board wanted them to go to a special school, or the school board thought it would be better if they stayed home.

That is not the hallmark of this Nation. The hallmark of this Nation is bringing us together for common purposes and to protect the rights of those who are disadvantaged, whether it is economically, whether it is socially, or whether it is because of handicaps or where they happen to live.

□ 1310

You should know that when you go to any city in America, that you can get safe drinking water. But that is not necessarily true and certainly would not be true if the Federal mandates are removed.

Now, we have a lot of governors beating their breasts and talking about how we tell them to do things that they can't afford to do or they don't want to do and they ought to make the decisions. That is how we got into the situation with the rivers of Ohio that actually caught on fire in the early 1970's. Because they decided they didn't want to do it, they couldn't buck the political pressure of the steel mills and chemical companies and eventually the Cuyahoga River caught on fire. And I think you have to ask yourself if that is what we want to go back to.

Certainly it is expensive to clean up our waters and clean up the air. I can remember as a young man when I could smell San Francisco Bay before we could ever see it as we drove down the road, because the pollution of the cities was being dumped into that bay and the fisheries disappeared. But now because we have the Clean Water Act, the fisheries are back. As I went to the airport yesterday, you could see the trawlers in the south end of the bay, fishing for a commercial crop, employing people, lending to the tourism, lending to the economy of the bay area.

You know what? A lot of cities in San Francisco Bay cleaned up their sewage. But the city of San Francisco didn't want to. The city of San Francisco said we can't afford to. We are not going to do it. We had to go to

court to make them do it. Because all of the other cities on the bay that wanted to enjoy the bay and the citizens that want to enjoy it, said no matter what we do, it will make no difference if the largest single polluter doesn't clean up their sewage, their storm water, their pollutants.

Yet those are the laws that this Congress this Friday will be asked to basically overturn by allowing this assault by the governors who simply don't want to comply, by governors who will not take the political heat at the local level or mayors that won't take the heat. They somehow think this is going to make their job easier. Private industry thinks this is going to make their job easier. But when the mayor of Philadelphia finds out that it will make no difference about the air quality in Philadelphia if the other mayors in the States and the region don't cooperate, he will find that his task is far more expensive.

In the early seventies, we had smog warnings more days than not in the Los Angeles Air Basin. Today we don't have that. It was true in Denver, CO. But what did we do? We passed a Clean Air Act and forced industries, we forced automobile manufacturers to manufacture automobiles with less pollutants. We now have reformulated gasoline on the market to try and help with the air pollution problem. Automobile engines are getting more sophisticated because of the Clean Air Act, because the States now have the ability to enforce the Clean Air Act.

Somehow, somehow in a rush to judgment, with no hearings this year, the Republicans in Congress want to tell us that this should all be overturned.

We should understand that these are the laws that brought America into the forefront of social progress. These are the laws that after too many American families experienced the loss of their spouse, or their father, or their uncle, or their brother, in the steel mills, in the coal mines, in the automobile plants, in the chemical plants of this Nation, these are the laws that said workers have a right to a safe workplace.

But under the unfunded mandates legislation being brought to this floor, that is all called into question with the reauthorization of OSHA. That is all called into question if somehow the Federal Government does not pay 100 percent of the bill.

I want to know why the Federal Government should have to pay 100 percent of the bill of cleaning up San Francisco Bay. The benefit doesn't run to the taxpayer in Indiana or in New Jersey or in Alabama. Clearly there is a national benefit because as the economy of the San Francisco region does better and we attract foreign tourists and business people and conventions, we all share that as part of our national economic product. But doesn't San Francisco, don't the cities on that bay, don't the cities in Florida benefit by

putting up their money? That is the partnership that was created. In some cases the Federal Government has put up 75 percent of the money, in some cases we have put up 50 percent of the money, in some cases we have put up 25 percent of the money. But that was all negotiated at the passage of the legislation. But now we are down to the hard part, the implementation. And what we see is this kind of comprehensive assault led upon this body of laws to wipe out environmental laws, workplace safety laws, toxic laws.

Imagine the audacity of the Federal Government saying to local employers and to the private sector that a worker, a worker has a right to know whether he or she is working around toxic substances that can end their life or disable them, and we all know that has happened, whether it was asbestos, whether it was benzene, whether it was all of the chemicals that are in the workplace. That is what the attack is about, is about taking away that right to know.

What about the right of communities? What about communities that say we want to know what you are releasing into the air in our neighborhoods? We want to know what you are putting into the groundwater, to protect our drinking water.

We have whole communities in the United States where water now has to be brought in overland because the groundwaters are contaminated, they are no longer secure, they are no longer there for the benefit of those communities, because somebody thought that was their garbage dump. Somebody thought that is where they could dump their sewage, put their toxics. And it just isn't about the old industries. It is not just about the steel mills in the forties, fifties, and sixties. In silicone valley, entire aquifers are now off limits to the cities and taxpayers and to the property owners in the south of San Francisco because the newest industries in this country polluted the groundwater in violation of law or because the local economy was so hungry for the jobs they didn't want to tell them that they couldn't spoil the environment.

A lot of people criticize the environmental movement. But as we do an audit now on those countries where there wasn't an environmental movement, we are talking about hundreds of thousands of square miles of the Soviet Union where nobody can live, where life has ceased to exist, because of pollution. We all witnessed the horror of Chernobyl, where thousands of people have died, where you can no longer grow agriculture, and people have been moved to entirely new regions of the country; where milk has to be checked all of the time because the pollution spreads across the French countryside, across the German countryside.

We chose a different route in this country. We decided that in fact we would invest in a clean environment, that it would be good economics, it

would be good public health, it would be good for our citizens, it would maintain property values in our communities.

But now, with the new Republican majority in this Congress, they have decided one of the first items on their Contract on America is to take away the protections of these laws. That somehow if the Federal Government does not fund 100 percent, then the people in one State or another should be free to choose their own way. It doesn't matter if when they choose their way in Nebraska, they pollute the aquifer that goes all the way to Texas. It doesn't matter if they choose their way in New Jersey, the people in New York have to breathe the air. It doesn't matter if they don't clean up the steel mills or power plants in the Ohio Valley, it kills the trees in Maine.

That is what this clean air law is about. That is what the clean water law is about. That is what OSHA is about. That is what community right to know is about.

Somehow these Republicans have such a terrible trouble. They are all for democracy and openness, but they don't want to tell people in the community what is going on in their communities. They don't want to tell workers the substances they are working around. People should have to experience birth defects, miscarriages, before we get to them? I don't think so. Why should we visit that on a family because they are forced to take a job out of economic necessity, and then we put them in a dangerous situation and they suffer that kind of tragedy in their family. That is the price of a job? It is when you vote for the unfunded mandates bill, because we no longer get to have the common concern and the common interest of this country, about improving the social progress of our children, of our families, of our workers, because that is what this body of law is about.

These are the successes. These are the successes that set America apart from other countries. These are the successes in terms of our economic growth, in terms of our economic activity, and an environment that is unparalleled elsewhere in the world. And if we don't lead the way, let us not believe that China will follow suit. That they will think if we decide that clean air is not important here, how do we tell China that clean air is important there? And yet they have the potential, if they stay on track with their economic growth and the building of their coal-fired power plants, to erase everything we have done in clean air in this country.

□ 1320

That is the volume of pollutions that they will put into the air. But we are now going to take away our ability to have tough laws in this country and yet we are going to lean on China or India or Indonesia to come into the first world in terms of environmental protection, not a chance, not a chance.

Where we have not done this, we have lost whole industries. Where we did not do this in the Northwest, we lost a good portion of the logging industry, and we have lost a good portion of the commercial fishing industry and the sports fishing industry.

The coasts of our States now, great areas, great fishing banks off of New England, you cannot make a living because the local people did not have the courage to impose the moratoriums or the limits so we simply strip mined the oceans. We are about to set in motion strip mining of the bays and seas off of Alaska. That is why you have a Federal Government. Because a lot of these Governors and a lot of these mayors cannot take the heat. They do not want to buck the industries. They do not want to tell them the truth. They do not want to tell them "no". Well, when it got to such a point that we could not breathe our air, our rivers were catching on fire, you could not swim in the bays and the fisheries were disappearing, we changed the law. We changed it for the good of the Nation.

I would hope that some of these people would stop whining about the kind of social progress that we have made. I would hope that these same Governors who do not like us saying that if you take the public's money, you have to do the public good, what they are really saying is all they want is the public's money. You cannot have it both ways. If you are going to spend the public's money, you have to spend it in the public interest. That is an important component of this.

Surely, there was debate. It took us, I think it took us almost 6 years to reauthorize the Clean Air Act, because we had this debated, because we made the compromises, because we apportioned out, we apportioned out the participation. But if anybody thinks that the question of whether or not Santa Monica Bay is going to get cleaned up depends upon 100 percent Federal funding, then I guess Santa Monica Bay is not going to get cleaned up, if they do not have the local willpower or the local finances to do that. That is true all up and down our region.

This is a union of States, but those States are not entirely contained within their boundaries. Their activities spill over onto others. This is about being a good neighbor.

Mr. Speaker, I yield to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for taking this special order. It is timely because this week Congress will be voting on this unfunded mandate legislation.

If you read the description of this legislation on its face it seems so simple, so clear, so easy. It is legislation to discourage lawmakers from telling State and local governments what to do without providing them the money to do it. That is so basic who could argue with it? But life is a little more complicated.

As the gentleman from California has just told us, when you start applying it in specific instances, it raises a lot of questions. Some of the more conservative Members of the House and Senate that I have spoken to over the last several days, in posing questions to them, how would it affect environmental laws and the like, they said, well, I never thought of that; there must be an exception in the bill for that.

The fact is there is not. It is a good concept, but the Republicans in the House have taken the concept of unfunded mandates, they have gone too far, they have gone too fast, and they have gone to extremes.

Just consider when the committee sat and met on this bill, just last week, a few days ago, the chairman, the Republican chairman of the committee decided after they, the panel had defeated three Democratic proposals for committee rules changes on party line votes, they ended up saying that they would not have a hearing on this bill. They were just going to mark up the bill. No witnesses came in from the outside to testify. This bill was pushed through as part of the "100 day break-neck speed, let us get it all done and get out of here" approach. It is headed to the floor this week.

In their haste to pass unfunded mandates, the Republicans have ignored very real health and safety problems. They would create with this legislation concerns that every American family has to sit up and take notice of. Let me give you an example.

In many ways unfunded mandates legislation proposed by the Republicans puts the health and safety of our families at risk. The gentleman from California has talked about the clean air provisions, the clean water provisions. My district is on the Illinois River and the Mississippi River. And frankly, what is dumped in that river upstream is what we have to live with downstream. This is not a State-by-State concern. This is a national concern. It is one where we want to have consistent standards. If the Republican unfunded mandate approach prevails, future regulations of municipal discharges into that river will frankly be unenforceable. So they can set their own standards. And if some town upstream decides it, just by their own hook or crook, they are going to put in that river what they want to, we live with it downstream. That becomes our water supply. That becomes our channel for commerce in the Middle West. We have to live with what they dump because we are not going to go so far as to say, it is a Federal mandate.

The same thing is true when it comes to radioactive waste disposal. There are States which own nuclear powerplants. We have provisions in Federal law which apply to the privately owned plants as well as the government-owned plants in terms of their operation, safety and disposal of nuclear waste. If the Republican approach

passes, future reauthorization of those bills establishing those standards will exempt, exempt the government-owned nuclear powerplants. Does that make any sense at all? Should we not have one consistent standard in America when it comes to safety?

Let me tell you another one. Where I live in central Illinois, because we have a lot of land out there, we have become dumping grounds for landfills taking the waste from all over the eastern seaboard. I have a lot of affection for my colleagues from New York City and particularly Brooklyn, NY, but I go to Taylorville, IL, and look at the landfill and see these boxcars coming in full of waste from Brooklyn, NY, being dumped in my backyard in Taylorville, IL, bad enough. But consider the fact that across the United States, there are 7,000 landfills owned by State and local governments which will now be exempt from future standards and changes in regulations by this Republican unfunded mandate bill. It means that Waste Management and other giants in the industry will be governed by Federal standards; those owned by State and local governments, those landfills will not. Do the families living in those communities around there think that is a better deal? I doubt it.

When they are concerned about the quality of water, the aquifer, the runoff, when they are concerned about the health of their children, serious concerns about cancer and disease, they want a consistent national standard. Who can blame them. That is what I want for my family.

Workplace safety, the gentleman from California spoke to. Let me mention one other: disaster standards. Think of the money this Federal Government spends every year on disasters. And we come in and say, we are going to establish standards so that in Illinois and California, Florida and wherever, if you want to qualify for Federal disaster relief, then for goodness sakes, help us out. Do not let people build on the flood plain. Do things to lessen damage, do not come to us and ignore these standards and hand us the bill.

But guess what? Republican unfunded mandate legislation, when it is all said and done, will say to your Governor, Pete Wilson, Mr. ROHRBACHER, do what you want. Set your own standards. But then come rattling the cup afterwards, when you have a mud slide or earthquake. That is not fair. That is not fair to the Federal taxpayers. But because the Republicans put this bill together so quickly and in such haste to put it on the floor, they never stopped to consider the impact this is going to have.

This bill, the Republican unfunded mandate bill, unless it is changed on this floor, is a deadbeat's dream. Deadbeat fathers who do not pay child support, deadbeat companies that are polluting, deadbeat government units that will not accept their responsibilities, they are going to be doing what they

want and we are going to end up holding the bag at the Federal level.

Let me say, I think the concept behind unfunded mandates is correct. I think the review of Government decisions that have an economic impact on local units of government is the right thing to do. But because we tried to do this overnight, in a hurry, slap it together, put it on the books and get moving, we are not stopping to think of the consequences.

I tell you this, we will be living with them. We will be living with the consequences. Because down the line, when it does not work, when things have fallen apart, guess whose door is going to get knocked on? The same door that your Governor, Pete Wilson, knocks on every time he is in trouble, Uncle Sam's door. Please bail us out.

I do not think that is fair.

□ 1330

That may be your view of new federalism. It is not mine.

Mr. ROHRBACHER. Mr. Speaker, will the gentleman yield for a question?

Mr. MILLER of California. I yield to the gentleman from California.

Mr. ROHRBACHER. Mr. Speaker, If the Federal Government is mandating the actions and priorities of the States, no wonder the people of California and the State government of California are unable to put themselves into a position of preparing for a crisis and have to come to the Federal Government, when their own moneys are being mandated and how they will spend their own moneys is being mandated by the Federal Government. Shouldn't we leave that decisionmaking, shouldn't we let people in the States be able to make decisions that are most applicable to the States, so if there is an emergency they can then afford to take care of those problems?

Mr. MILLER of California. Reclaiming my time, that is exactly the point. If you leave it in that fashion, and if you take the Mississippi River as the example, if all of the States and all of the cities do not contribute to cleaning up the river, then it makes no sense for anybody to contribute to cleaning up the river. If we look at the Great Lakes, if the cities on the Great Lakes don't clean up their discharge, then it makes no sense for any of them to do it.

Who goes first? When do you do it? That is why you have the unifying effect of Federal laws, because our actions in California—we think most of the pollution in the Grand Canyon is coming out of southern California, so here we have taken one of the great assets of this Nation, and we have destroyed it in terms of its beauty and the ability to enjoy it for visitors all over the world and our own citizens.

However, it is not about what happened in Arizona or New Mexico, it is about what happened in southern California. That is why you cannot let this simply be a local determination. We

had that before and we lived among the worst pollution in the history of this country.

I yield to the gentleman from California.

Mr. ROHRABACHER. Your argument is that what the Republicans are suggesting is a far swing of the pendulum in the wrong direction, but I would hope that you would admit that this is in reaction—I would not admit it is going too far, however, but I hope that you would admit that it is in reaction to a pendulum that has swung so far in the other direction that today, local governments find themselves mandating, whether it is for environmental reasons, which you have gone through earlier on in your talk, or for any number of other areas, they find their budgets are being totally mandated or to a great degree mandated by the Federal Government. Thus, local government and the prerogatives of the local voters are being taken away and coopted by the Federal Government.

Mr. MILLER of California. Reclaiming my time, that is not necessarily so. Very often local governments don't do things, not because the local voters don't want them to do things, but because the local power structure doesn't want them to do something, whether it is the local industry or the largest taxpayer in that city which decides "If you do that, I'm going to have to spend x millions of dollars."

But they also, those same people, the power structure, the local industry, others may very well have a social obligation to clean up the river and to clean up the air. It is not that that can always be overcome. Let's not pretend that every time the local voters get their way with the local city council or the local mayor or the governor or the county board of supervisors. That simply is not so. That simply is not so.

To suggest that somehow all righteous answers are at the local level is simply not the case. That is why very often we come to the Federal Government to try to pass a law that will unify us in terms of progress in this country, and in terms of the concerns of the people of this country.

The benefits, however, are not 100 percent on behalf of Washington, DC. If Santa Monica Bay is cleaned up, the benefit is also local, so we say we will share that. There are none of these mandates where the Federal Government has not put up hundreds of billions of dollars to help these local communities meet these mandates.

The other issue, have some mandates gone too far, clearly they have. Has the imposition, the regulation, the enforcement of some of these laws gone too far? Clearly it has.

However, this is not about the pendulum swinging, this is about cutting the cord on the pendulum and letting it fly out of control at one of its apexes, and that should not be allowed. Should we review these? Should we have cost assessments? Should we go into it

opening our eyes? Yes, we should, and yes, we did.

Let us not pretend, like we debated the clean air law or the clean water law without people—with every economic study on the impacts, the automobile industry, the chemical industry, the refining industry, local governments, transit districts, toll bridges, the whole gamut, that was debated for months, for years on this floor, and we arrived at a series of laws that we think will continue to clean up the air of this Nation. That is what is put at jeopardy here.

Mr. DURBIN. Will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Speaker, I would like to say that this debate is a much bigger debate, obviously. When you are talking about government mandates, they don't stop at Federal Government and State and local government, they go on to the local units.

I remember as a youngster growing up, one of the most notable tragedies in our area in my lifetime was a fire in Chicago at Our Lady of Angels School which unfortunately claimed the lives of scores of children. As a result of that fire, our State of Illinois established a health safety code and said that every school building in our State has to meet certain basic requirements in terms of fire exits and the like, and every school district or unit that is running a school has to comply with that health safety code.

We didn't pay for all of it by a long shot, but we basically said to the families living in my State, as I'm sure in your State, "If you should move from one school district to the next, you have got to ask a lot of obvious questions about teachers and courses and all the rest, but you can be certain that every school is going to pass the basic test that your child is physically safe from fire in that building."

That is a mandate, a government mandate from a higher government to a lower government, but for the peace of mind of the families and kids involved in it, we said, "That is the appropriate thing to do for the common good."

Mr. ROHRABACHER. Would you do that at the Federal level, as well?

Mr. DURBIN. No. I think in some areas you have to draw lines where you can go too far. I don't argue that you can.

Let me say to the gentleman, I think many times what the Republican Party misses is that aspect of our Federal Government which talks about the common good. The common good in many instances requires us all to basically give up some of our power and authority so as a nation we are doing the right thing.

I am sure the gentleman would agree that that is something that is very important to our country, and yet it seems the Republicans are so troubled by that that they would push through

this unfunded mandate bill so quickly and so extreme that when you sit down and apply it to specific instances, it just doesn't make sense.

Mr. MILLER of California. If the gentleman will yield, I think the gentleman makes an important point. Many of these Governors who are sort of leading the band on this one are engaged in exactly the same process.

Pete Wilson handed the local counties of California a whole series of mandates last year on mental health, on medical care for people in the counties, a whole range of issues. They weren't funded. They weren't funded.

Somehow they want to pretend like they come here with clean hands, that they are opposed to this. We have laws in California called S.P. 90, no unfunded mandates. What the legislature does is every year it says "In accordance with S.P. 90, this is not an unfunded mandate." Tell that to the counties who are having to live with that.

That doesn't make that process right, but let us not pretend that these are somehow unfunded mandate virgins who are coming to the Congress, that they have never done this. It is like Pete Wilson saying "You balance your budget. I have had to balance mine." He didn't balance his budget last year, he went to the banks and borrowed money to make ends meet.

Somehow they think they speak with greater moral authority: "Do as I say, not as I do." that is sort of the lesson of these Governors.

The fact is, they know that for the good of their States, every now and then, whether it is a fire code, whether it is flood protection, or workers' compensation, they must mandate that certain laws be abided by, and they don't say "Every city make up your mind, every county make up your mind, and get back to me with what you did." That is not the nature of our system of government in this country.

Mr. ROHRABACHER. If the gentleman will yield, the gentleman noted or gave as an example the cleanup of the Santa Monica Bay, which is something I know about, coming from Southern California.

Mr. MILLER of California. I assume you spent a lot of time in the Bay.

Mr. ROHRABACHER. As a young man I body-surfed there and spent a lot of time in that water. That is probably the best example of why the decisions, environmental decisions like the cleanup of Santa Monica Bay, should be left to local people.

The question is, at the local level, how pure should we make the Santa Monica Bay, because the people of the local area know that you can have it 90-percent pure and not lose any jobs, but if you push to an environmental extremist position of trying to make it 99-percent pure, hundreds of thousands of people will be thrown out of work.

One of the complaints that we have had about Federal Government regulations is just that.

Mr. MILLER of California. Let me reclaim my time, because that is like orphanages. The laws now require that people that endanger their children should have their children taken away, and provides a mechanism for doing that, so we don't have to talk about orphanages.

We don't have to talk about whether or not we go too far. That is not what this legislation is about. This legislation is about gutting the basic laws. You won't even be able to engage in that debate in Santa Monica over fecal matter in the bay and whether or not the beaches will be closed or not.

Mr. ROHRABACHER. The local people will be doing that.

Mr. MILLER of California. It is also Federal money that is enabling that bay to be cleaned up, in part. That is true of the whole California coast. So that is the partnership that has been arranged.

Mr. ROHRABACHER. To the degree that Federal money is involved, the Republicans have no problem with us setting regulations for the use of that Federal money. It is just that in this whole mandate debate, it is about when we mandate things and do not provide the money.

□ 1340

Mr. MILLER of California. That is not what the legislation says.

Mr. TAYLOR of Mississippi. Mr. Speaker, will the gentleman yield so I can ask the other gentleman from California a question?

Mr. MILLER of California. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. I ask the gentleman from California [Mr. ROHRABACHER], of the estuaries that feed Santa Monica Bay, how many other States are involved in that?

Mr. ROHRABACHER. That is a very good example, because unlike the Mississippi where many States are involved, the Santa Monica Bay is totally within the State of California and thus having the Federal Government mandate the solution would be questionable.

Mr. MILLER of California. Unless you live up or down the coastline from the bay.

Mr. TAYLOR of Mississippi. If the gentleman will continue to yield, I wanted to contrast that with my home State.

Over one-third of the Continental United States drains past my home State. The actions of 80 million Americans, whether clean actions or actions that are not so clean, affect my home State: The tourism in Natchez and Vicksburg, recreational opportunities along the Mississippi River. The most productive fishing grounds in the whole country are at the mouth of the Mississippi River, for shrimping, for oystering, and that directly affects my district during the springtime when the river floods.

Do you think it is fair for the people of Chicago to deprive the oystermen of Pass Christian, MS, the opportunity to

make a living? Do you think it is fair, because they want to cut back a little bit on their sewage treatment. For Vicksburg and Natchez to lose their tourism industry because the river is so filthy no one wants to go down to the gaming boats?

I am in total agreement. I was a city councilman and a State senator. We have to get a handle on mandates. But to throw them out the window makes no sense at all. It is just not fair for the people upstream from the Mississippi to ruin our State so they can save a couple of bucks. Because just as it is unfair for the Federal Government to push its problems off on the locals, it is equally unfair for local communities to push their problems off on the Federal Government.

That is precisely what happens in the nature of wastewater. It is just not fair for New York to poison the beaches of New Jersey. It is just not fair for this city, Washington, DC, to poison the water that the people of Alexandria, VA, are going to drink tomorrow, because the water for Alexandria, VA, is within one tidal cycle of what they call the Blue Plains sewage treatment plant here in Washington, DC. So if Mayor Marion Barry decides he is going to save a few bucks, or spend it on things other than wastewater, is it really fair to him to poison the people of Alexandria?

Mr. ROHRABACHER. If I could be given the opportunity to answer.

Mr. TAYLOR of Mississippi. Sure. I am asking the question.

Mr. MILLER of California. I yield to the gentleman from California.

Mr. ROHRABACHER. I think what the gentleman is showing are the complexities, but that does not negate the solution. That is, just as in the Santa Monica Bay, it might be better for the people of California and people of southern California in particular to determine what type of regulation they want for the cleanup of the Santa Monica Bay. In the same way with the Mississippi River, it would not be a good thing to tax everyone in the country in order to basically implement a policy along the Mississippi River when a solution might be made among the States that are on the Mississippi River to facilitate that solution.

Mr. TAYLOR of Mississippi. But, I say to the gentleman from California [Mr. ROHRABACHER], I was a city councilman when they cut back on Federal revenue sharing. I was a city councilman when the biggest issue we had was to upgrade the sewage treatment plant. Had it not been for the Federal mandate, the wastewater from my hometown would still be flowing into St. Louis Bay, still be poisoning the oyster reefs off Pass Christian and Long Beach and Biloxi. That is not right. That is why we are lawmakers. We came here to be lawmakers for the Nation.

The folks on your side of the aisle have made an excellent point. We need to be extremely judicious in the laws

we make. We need to be extremely fair in the laws that we make. But we should also remember that we came here to be lawmakers and that we should have some laws that are common throughout the country, and some of those laws have to be that each community does not become a burden on the community downstream from them as far as wastewater, as far as toxic metals, as far as clean air. You will agree with that.

I think what many of us are asking for on this particular bill, since there was not a hearing on the unfunded mandate bill, that there be clear and concise language in that bill that says we are not undoing anything from the past. We are just going to start talking more about what it is going to cost for locals when we pass something. We are going to give it greater thought than we did before, but there has to be, and there is not in the bill as yet, clear and concise language that says we are not undoing present laws. Some of the present laws make a heck of a lot of sense.

Mr. MILLER of California. I yield to the gentleman from Illinois.

Mr. DURBIN. At the outset, I want to thank the gentleman from California [Mr. ROHRABACHER] for joining us. I hope we can encourage more of this type of dialog during the special orders instead of the monologs to an empty Chamber which has characterized them in the past. I thank you for joining us and hope we can do this in the future.

But let me add this, if I might. There has been a larger hearing on unfunded mandates in Capitol Hill in the last 45 minutes than at any time when this legislation has been making its way to the floor. We have heard testimony from the gentleman from Santa Monica, testimony from the gentleman from Mississippi, and testimony from the gentleman from Illinois about the impact of the Republican bill. We have heard more testimony right here in the last 45 minutes than we heard in the committee that reported this bill to the floor of the House of Representatives for a vote this week.

The bottom line is, unless and until we consider the complexity of this bill, the ramifications it has on the States of Mississippi and Illinois and California and Florida and others, we are doing a great disservice to the voters of this country.

The Republican leadership wants to slam-dunk every provision of this contract without a hearing, without deliberation, and frankly without the kind of concern which I think they should have for the impact and ramifications.

We cannot hope that the Senate will save us on this bill. I hope they will. Maybe the President will have to. But somewhere along the line, someone has to step back and say the responsible thing to do is to sort out these mandates where the Federal Government has overstepped and where, in fact, the Federal mandate makes sense for a

Federal policy that affects the whole country.

One last point I will make. One of the provisions in the Republican Contract With America goes after lawyers. Too much litigation. You want to see a lot of litigation? Pass this unfunded mandate bill and watch what happens. You will have every locality, every township, every community, every city, every village, every county, every State with lawyers backed up to the courthouse door saying, "We are challenging this Federal law because it violates your Federal mandate provision. It imposes a duty and does not pay for it, and we dispute the Federal conclusion that you did pay for it," and on and on and on. This is a lawyer's dream. I think frankly the Republican Party which is trying to spare us too much litigation is really stepping in it when they pass this kind of legislation.

Mr. MILLER of California. I thank the gentleman.

Let me just conclude that the notion that somehow the Governors of the cities along the Mississippi River will all arrive at a common decision to keep the Mississippi clean so that the people in the Gulf States are not punished economically or in their quality of life simply defies political logic in the history of this country.

But for these unfunded mandates, I said that many parents have come to me and other Members of Congress and said, "But for that law of education to handicapped children, my child would have never gotten an education." But let me also say, but for these laws, the plan to rescue the Everglades in Florida would have never come about, because the political structure in Florida was unable to deal with the growers, to deal with the landowners, to deal with the water districts and all that that meant in that political equation, try as they might, and this Governor and Lieutenant Governor have pushed the envelope on reaching consensus, but for the Clean Water Act and the Endangered Species Act, the agreement that is now in place to provide to start on the restoration of the Everglades, one of the wonders of the world, one of the major generators of economic activity in Florida, would never have happened.

In my own State of California, we just reached an agreement between local government, the environmental community, the agricultural community and the State for the protection of the Sacramento-San Joaquin Delta for the commercial fisheries, for the landowners, for the industries, for the cities, for the sports fishing, for recreation. That agreement would have never come about but for Clean Water and Endangered Species, because Governor Wilson, like every other Governor in the State of California, because of where they take their political contributions, could have never stepped up to the table, because the growers would never let them. Not Democratic Governors, not Republican Governors.

But all of a sudden they had to step up to the table because the Federal Government made them do it, because we took the political heat in Washington.

This administration took the political heat and turned back the 11th-hour pleas not to do it. What is the result? That the Delta will now have a recovery plan so we can sustain the recreation and the quality of life and the environment. The cities in southern California will get more water. The growers will have to start paying for their water and conserving it and using it in a modern age as opposed to how they used it with high Federal subsidies in the 1950's.

□ 1350

This is the 1990's. But no Governor would have made that deal without the threat of Federal action and going to court.

In the Northwest, no Governor, nobody had the guts to tell those loggers to stop decimating those forests, to stop cutting them faster than they could be regrown, so that they could be sustainable. And for years it happened, and whole mountainsides now are denuded of vegetation. Forget getting trees to grow again.

What brought it about? The Endangered Species Act and the Federal Government saying we had to reach agreement between the environmental community and industry and the local communities and the salmon fishing industry, the commercial industries and recreation, and the people of Oregon and Washington about their quality of life, why people invested in homes.

The local power structure did not want to tell Weyerhaeuser that, they did not want to tell the mill down the street that, they did not want to tell these people with all of their lawyers and all their lobbyists that they had to quit destroying America's forests, that they had to stay out of the ancient forests, that they could not decimate the salmon fisheries. They did not have it. They did not have it.

But it happened because of these laws that those same Governors, those same mayors now seek to decimate, acting like they would all of a sudden have the courage to bring into concert those very parties that they rely on for campaign contributions, that they kowtow to all of the time and that they cannot look in the eye and tell them to start doing the people's business in the public interest. That is why these Federal laws are here.

These Federal laws are not here because of some overwhelming desire of Washington to regulate the world. They came here because people were dying on the job, and they would not clean up the workplaces. People were getting killed in coal mine explosions, in grain elevators that were blowing up around the Midwest and the Mississippi River and killing people. They were working around benzene and finding out they had cancer. They were work-

ing around other toxic substances and they found out they had a child with birth defects, because that is what they were told to do that is why these laws are here.

The automobile makers did not want to put air bags in automobiles. They resisted us for 15 years. Now most families would not buy an automobile without an air bag. They did not want seat belts. Now we would not think of an automobile without seat belts. They did not want to put child restraints in. When I was young and had my children, we held them on our lap and we drove around. And we were killing the children in wrecks. Now they are in a seat restraint system and the children are living.

I appreciate that people do not want to do business other than the way they want to do business. But that is what brought about, that is what brought about these Federal laws. It was the irresponsibility of many, many individuals and entities in this country that thought that they could use your rivers as their sewage plant and thought they could put their dirty air high enough into the sky that it would blow into some other State and somebody else would have to breathe it.

That is what is at risk here with this Republican legislation. That is what is at risk here in terms of the unity of this Nation, the social progress of this Nation, and that cannot be given away in short debate without a hearing and in a rush to somehow get it done in 100 days.

We have spent 30 years cleaning up the environment of this Nation, making it a model for the rest of the world to provide a standard of living and security in our food supply, security in our air travel, security in our highway travel, security in our job place, security in our own homes, because other people just chose to make a buck. But the Federal Government thought we ought to make laws in the public interest.

Now what we see is in one piece of legislation with no hearings, where you cut off debate in the committee last week, we now see an effort to overturn those 30 years of social progress, turning back the forces who seek to exploit the environment, to exploit the worker, to exploit the family, to make a fast buck, to make a big profit and let the chips fall where they may. That is Bhopal, India, that is Chernobyl, that is the Ukraine, that is the Soviet Union where the lands have been destroyed and families broken and people are living in toxic waste. That is not the United States of America, that is not this country, and it is not this country because of these laws.

To simply allow this assault to go on unfettered, to do it all in one piece of legislation, to not pull it apart and say what is the impact on nuclear safety, what is the impact on low-level waste being put in your communities, what happens to radioactive wastes from

hospitals that is being stored around our cities, being stored in our own communities, how do we provide for the safe disposal, what happens to the reactor rods we take out of nuclear reactors, are they going to be in your community or my community, what are the conditions under which they will be disposed of when they are stored, what are the protections to the citizens in those areas; that is the kind of debate we should have, and that is the discussion they should have had in the committee. The Republicans were just not up to it.

On the first day they said their contract required open meetings and the Speaker stood before this House and said let the great debate begin. Apparently it was not as great as we thought. They decided to close the meetings, they decided to rule amendments out of order because they simply did not want any more time, not that the amendments were not germane or did not have an impact or were not worthy of consideration. They decided it was 6 o'clock, time had come to leave.

These were people who said they were going to work every day around the clock, Monday to Friday, 100 days. They could not find time to have hearings on a bill that decimates the laws of this country. I hope we will have better debate on the floor and the Republicans will reconsider their assault, and I hope the American people will turn them back from this assault.

I will urge the President to veto this bill, because in one swoop of his pen he undoes 30 years of social progress in the environment and in the workplace and in the security of American families.

Mr. Speaker, I yield back the balance of my time.

#### THE CONGRESSIONAL ACCOUNTABILITY ACT

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under a previous order of the House, the gentleman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, I wanted to talk a little bit today about my own support, which is strong support, of the Congressional Accountability Act. It was introduced by my colleague and my good friend, the gentleman from Connecticut, CHRIS SHAYS, and I congratulate him for his tenacity and for his determination to see this piece of legislation through.

The Congressional Accountability Act is a commonsense piece of legislation. It simply requires Congress to abide by all of the laws that it passes, so that Congress and Members of Congress are accountable for the laws that they pass, and they apply to Members. It makes perfect sense.

By bringing Congress under labor and workplace laws that have long regulated private industry, we then begin to move government closer to people.

The reforms of this Congressional Accountability Act are long overdue, and once again I reiterate my strong support for it and in fact worked very, very hard for it in the last session of this Congress.

However, in the midst of this wave of reform, in this package one perk was left untouched, and that is the ability of Members of this House to convert frequent-flier miles accrued from taxpayer-funded travel to their own personal use. Ending the frequent-flier perk is essential. It is essential to our ability to restore that bond of trust with the American people which we so need to remake with the American public. Members of this body should not be taking golf junkets or tropical vacations at the taxpayers' expense.

Last August under Democratic leadership, the House overwhelmingly approved the Congressional Accountability Act, and when we did that last August it included a ban on personal use of frequent-flier miles by Members of the House of Representatives. In October, the gentleman from Georgia [Mr. GINGRICH] objected to inclusion of the frequent-flier ban, so it was removed. We cannot reform this institution while the Republican leadership works behind closed doors to protect perks. It is wrong. It is not open government and it is not reform in the way that the American public demanded reform on November 8.

□ 1400

A ban on conversion of frequent-flier miles for personal use should, indeed, have been included in the Congressional Accountability Act today as it was last year.

Quite honestly, what makes the omission more disgraceful is that our colleagues in the Senate have included a frequent-flier ban in this version of the bill, and that means that we will pass a Congressional Accountability Act that will hold the United States Senate to a higher standard than the House of Representatives. That is wrong, and it is shameful.

By requiring that Members of Congress use these tickets only for official use we save the taxpayers money. That is what the debate is about.

Speaker GINGRICH says that hardly any money would be saved by ending this perk and, therefore, this is a "Mickey Mouse reform." And while it is true that most Members of Congress only qualify for a few frequent-flier tickets per year, the dollars in fact do add up. Ask working Americans if they would not like a pair of free airline tickets dropped in their laps every few months to use at their own discretion to take a trip and get some rest and relaxation.

It may not be a lot of money to the Speaker, but it is to most Americans. But by simply attaching a dollar figure to figure the value of reform we miss the point. It is the message, the message that protection of this perk sends to the public that is most destructive.

Today, just today, Mr. GINGRICH reiterated his support for keeping the frequent-flier perk for Members of the House and admits that he used these freebies to fly members of his own family. Mr. GINGRICH says that he is interested in a more family friendly Congress and worries about Members of Congress of modest means who use the free tickets to fly family members to and from Washington.

Modest means? Members of Congress make \$126,000 a year. I doubt that most Americans consider this to be modest means.

The American people, indeed, are fed up with public officials who live by a different set of rules. The Congressional Accountability Act begins to address these inequities, and the American public is right, Congress should not live by a different set of rules. But today we had a chance to go a step further and to close that loophole that allows Members of Congress to vacation at the taxpayers' expense.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Ohio [Ms. KAPTUR] for 5 minutes.

[Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the Chair recognizes the gentleman from Massachusetts [Mr. FRANK] for 5 minutes.

[Mr. FRANK addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

#### RECESS

The SPEAKER pro tempore. Pursuant to clause XII, rule 1, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 2 o'clock and 3 minutes p.m.) the House stood in recess until 5 p.m.

□ 1700

#### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. DREIER] at 5 o'clock p.m.

#### CONGRESSIONAL ACCOUNTABILITY ACT OF 1995

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 2.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is one the motion offered by the gentleman from California [Mr.