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Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 11:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today we have a guest chaplain, the Reverend Mark E. Dever, pastor of the Capitol Hill Baptist Church.

PRAYER

The guest chaplain, the Reverend Mark E. Dever, offered the following prayer:

Let us pray:

God over all rulers, You are a great God, worthy of all our worship.

In Your presence we are aware of how different we are from You. No earthly accomplishments can hide that fact from us.

We rejoice that we are made in Your image, but we confess that we have marred that image by our rebellion against You. Thank You for Your patience with us. Lord God, give us humility as we go about great business.

Thank You for entrusting to these men and women the privilege of accepting and executing the offices to which You have called them.

We bring before You the problems of our day which seem beyond solution. Forgive us for our lack of faith in You, for our forgetfulness of Your remarkable goodness to us in years past. Remind us that when we begin to feel ourselves beyond hope, that then we are entering the arena in which You delight to act.

Remind these Senators even this day of Your concern for them and their work.

Educate the consciences of this Nation, and particularly of the Members of this Chamber, that their will in some manner would reflect Your own.

Help them to manage their public and private duties well.

Help them to maintain piety, justice, and peace by the laws they write.

Help them to see clearly the good and right way of compromise in detail, and to find unity in principle.

Give them an appreciation for the good desires of each other, a care to listen in disagreement, a willingness to reevaluate, a resolve to act.

We ask this of you because of our dependence on you for all things, through Jesus Christ. Amen.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The Chair recognizes the distinguished majority leader, Senator DOLE of Kansas.

Mr. DOLE. Mr. President, I thank the Chair.

SCHEDULE

Mr. DOLE. Mr. President, I just make the announcement for my colleagues that the time of the two leaders has been reserved, and we will have routine morning business until 12 noon, with Senators permitted to speak for not to exceed 5 minutes each, with the following exceptions: Senator THOMAS for up to 10 minutes, Senator INHOFE for up to 10 minutes, and Senator CAMPBELL for up to 10 minutes, I guess.

At 12 noon, the Senate will resume consideration of S. 1, the unfunded mandates bill. Pending is still committee amendment No. 11.

A cloture motion was filed on Tuesday. Therefore, a cloture vote will occur tomorrow. All first-degree amendments should be filed at the desk no later than 1 p.m. today.

I just say generally for the information of Members, we are not making

any progress on this bill. It is obvious that the people watching or not even watching know that we have been on this bill 3 days and not much has happened. That is the way the Senate can work, and certainly I have been in the position of slowing things down.

But, obviously, there is a slowdown in progress. If we do not make any progress between now and 1:25 p.m. on this bill, it would be my intention to recess the Senate maybe for the rest of the day so the Judiciary Committee can complete action on the balanced-budget amendment, because I assume there will be an objection to the Judiciary Committee meeting during the session of the Senate.

If my colleagues are willing to permit the Judiciary Committee to meet, obviously we would not have to recess the Senate. So I hope that accommodation might be forthcoming.

But with about 30, 40, or 50 amendments, there is no way this bill can be completed prior to the State of the Union Message next week, and that is my hope. I know President Clinton would very much like us to move quickly on the Mexico matter, which is not foreign aid, I might say. It is a loan guarantee. As far as I am concerned, that effort is right behind the unfunded mandates bill. So I suggest maybe the President might want to urge some of his colleagues on the other side to cooperate on this bill.

I think it has broad bipartisan support, supported by nearly every Governor in America, every mayor, every county official, every public official, and the private sector, and it is something that could be passed in 1 good day of debate.

There are legitimate amendments, as there always are. But we will dispose of the bill one way or the other. We would like to accommodate our colleagues on the other side who plan a retreat on

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



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Friday. If we can obtain cloture tomorrow, maybe we can work that out with the Democratic leader, Senator DASCHLE.

Mr. President, I reserve the remainder of my time.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for morning business.

The distinguished Senator from Oklahoma is recognized to speak for up to 10 minutes.

Mr. INHOFE. Thank you, Mr. President.

UNFUNDED MANDATES

Mr. INHOFE. Mr. President, I was listening intently as the majority leader expressed a concern over the lack of progress that we are making; and certainly we are not making progress.

I also listened intently yesterday to the very distinguished Senator from West Virginia, as he quoted history and he quoted many of our Founding Fathers, concerning the subject at hand of unfunded mandates.

I have felt that unfunded mandates are the product of an assertive, greedy Government that has arrogantly injected itself into the dictatorial position that was feared most by our Founding Fathers.

And, you know, we deal with these subjects as if they are contemporary subjects, Mr. President, and they are not. Because in all of these subjects that we have been discussing that might be associated with the Contract With America, but certainly those things that 70 to 80 percent of the Americans want, our Founding Fathers dealt with these issues. They dealt with term limitations. It was their intent to have a citizens legislature for people to have to live under the laws that we passed. And, of course, we discussed that under the accountability bill, and such things as the budget balancing amendment.

It was Thomas Jefferson who came back and said:

If I could have made one improvement in the Constitution, it would have been to severely limit the abilities of our Government to incur debt.

And now we are looking at unfunded mandates, which, I think, at the crux of unfunded mandates is the 10th amendment to the Constitution. Certainly, James Madison was very eloquent in his discussion of the 10th amendment.

Just so that I do not misquote it, I will read it. The 10th amendment provides that:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

When you stop and remember what our Founding Fathers came over here to escape, it was, in fact, tyranny. So

many of the problems that we are looking at in a contemporary way were addressed in the past.

I remember so well, if you think back in the history of this country, as was discussed by the distinguished Senator from West Virginia yesterday, we remember that here we were, a handful of farmers and trappers over here, and we took on the greatest army on the face of this Earth, knowing that we were signing our own death warrants to do so, but knowing it was worth it to escape tyranny. That was what it was all about when that tall redhead stood in the House of Burgesses and said:

We are not weak if we make a proper use of those means which the God of Nature has placed in our power. Three millions of people, armed in the holy cause of liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

Patrick Henry was saying that we are escaping the tyranny that we left behind in a foreign country.

Now, where have we come today? Right back to that same tyranny. And while it is not a contemporary debate, it is now being debated contemporarily.

I think if you look around and you see of all of those items in the Contract With America, this is the one that transcends all ideological lines. It transcends all party lines and interests. This is something that all of the American people are for.

I listened to the Senator from California [Mrs. FEINSTEIN], I believe it was a couple of days ago, and she said it so well about what happened out in San Francisco back when she was the mayor. And while Mrs. FEINSTEIN and I—perhaps there are no two Senators further apart ideologically. We certainly agree we have one thing in common in our backgrounds. We were both mayors of major cities in America at the same time. In fact, Mr. President, we were on the board of directors of the U.S. Congress of Mayors at the same time. No one is going to say, by any interpretation, the U.S. Conference of Mayors is a conservative operation.

Yet, what was our major concern 15 years ago, when Mrs. FEINSTEIN and I were both mayors of major cities? It was unfunded mandates. If fellow Senators will talk to any of the municipal leagues around America and ask them what is the major problem they are facing in their towns, as well as their cities and States, they will not say crime, they will not say welfare; they will say it is unfunded mandates.

We wonder how we got in this situation. It reminds me a little of the two skeletons in the closet. One rattled to the other and said, "How did we get in here?" And the other said, "I don't know. If we had any guts, we would get out." I think it is time to get out. I think we got in because of the propensity of Members of Congress to, in hopes of getting people something and not having the money to pay for it, find a way to do it, and that is to force

somebody else to pay for it. That is exactly what is happening.

If we look around—I can take you to the State of Oklahoma, in Oklahoma City alone. Keep in mind, in our infinite wisdom, we passed all these bills. In Oklahoma City, in order to comply with the Clean Water Act, the conservative estimate is \$3 million for that city; to comply with the transportation regulations, and these were the reflective road signs, the metric conversions, and those things, that would be \$2 million over a 5-year period; land use regulations, landfills, recycling, \$2.5 million; the Clean Water Act, they cannot proximate it, but it is well over \$2 million.

Go to a smaller town or city, such as Broken Arrow, OK: Clean Water Act, storm water regulations, \$100,000. A person may say, what is that? In Broken Arrow, OK, that is a lot. They are going to have to give up a police officer to comply with that mandate that came from the Federal Government. Waste water treatment regulations, \$125,000. Safe drinking water regulations, \$40,000. EPA regulations, solid waste, \$32,000. Fair Labor Standards Act, \$30,000.

In my city of Tulsa, I checked and brought up to date the figures that were there back when I was mayor of Tulsa, the Clean Water Act, \$10 million; Safe Drinking Water Act, \$16 million; solid waste regulations \$700,000; lead-based paint, \$1 million. It goes on and on and on. I just listed \$35 million worth of mandates that are imposed upon three cities in the State of Oklahoma.

Now, those are direct costs. We get into indirect costs when we look at other laws that were passed. The Davis-Bacon Act—when I was elected mayor of the city of Tulsa, we had to make some additions. What do we do about our capital improvements, because they are in dire need; we were rotting out from within. So I had to go out on the line, and for a conservative to do this, it was a very difficult thing, Mr. President. But I passed a 1-cent sales tax increase for capital improvements; and it passed.

In order to do this, we calculated, by having to comply with the Davis-Bacon Act, how much more it costs the taxpayers of this city of Tulsa, OK. What could we have done without the Davis-Bacon Act: 17 percent more in capital improvements, 6 more miles of roads and streets, 34 more miles of water and sewer lines, and we could have hired 500 more people.

I read in the Reader's Digest just the other day something I will share with Members. In Philadelphia, for example—and this is in December's Reader's Digest—electricians must be paid \$37.97 an hour on Davis-Bacon projects, while private contractors pay an average of \$15.76. In Oakland, carpenters get \$28 an hour on federally funded projects, and they work for \$15 an hour in the private sector. Many are paying the