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## Senate

(Legislative day of Tuesday, January 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. The prayer this morning will be offered by our guest chaplain, the Reverend Mark E. Dever, pastor of Capitol Hill Baptist Church, Washington, DC.

### PRAYER

The guest chaplain, the Reverend Mark Edward Dever, Ph.D., offered the following prayer:

Let us pray:

O God Most Holy, we come to You this morning acknowledging You as the holy ruler of people and nations. We give You thanks for all the ways in which our Nation, and this Chamber reflect Your character. Thank you for all the trials endured, time spent, and effort expended for our benefit in this place. We thank you because we know that none of us can do anything apart from Your sustaining power.

Our request this morning is that You would save this Nation from lawlessness. We read that righteousness exalts a nation, but that sin is a reproach to any people. We confess that we as a people seem to be more concerned about riches than righteousness, more worried about poverty than sin, more willing to deny You than to deny self.

O Lord, change us for Your glory. In Your mercy entrust this country with material prosperity; but also in Your mercy, we pray that You would not allow us to go on in such prosperity and sin. Give us true prosperity of heart and soul.

In Your grace make this place an exception to the corrupting pull of power. Make this Chamber a shining light, a city set on a hill, filled with men and women who individually, in their dealings with one another, and together in their execution of the public business are examples to us all. Help them so

that we may live peaceful and quiet lives in all godliness and holiness.

We dare to ask for special blessings, and for special help to use those blessings You have already given to us. Bless Your people with power entrusted to those who know their own weakness, with rulers who are servants, with freedom under God, in the name of Jesus Christ, the servant-king, we ask it. Amen.

### RESERVATION OF LEADER TIME

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

### MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Under the previous order, the Senator from Wyoming, [Mr. THOMAS], is recognized unless the acting majority leader wishes to speak at this time?

### SCHEDULE

Mr. LOTT. Mr. President, further commenting on the schedule for the morning, I believe that under the previous agreement Senators LIEBERMAN and DODD will be recognized for up to 15 minutes equally divided, Senator BOXER for up to 15 minutes. At the hour of 10 a.m., the Senate will stand in recess until 11 a.m. in order to allow Members to attend a briefing. When the Senate reconvenes at 11 a.m., we will resume consideration of S. 1, the unfunded mandates bill.

For the information of all colleagues, rollcall votes are anticipated throughout the day.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Under the previous order, the Senator from Wyoming [Mr. THOMAS] is recognized to speak for up to 10 minutes.

### UNFUNDED FEDERAL MANDATES

Mr. THOMAS. Mr. President, it is my pleasure, as I rise this morning, to join my colleagues in support of S. 1, the unfunded mandates bill that Senator KEMPTHORNE and many others have done such great work on. In the recent election, of course, this country and the voters of this country voted for change, a change in the way that Washington operates, a change in the way that the Government operates. This bill provides us with one of the first opportunities to deliver that change.

It seems to me that, although we will take up a great many specific issues throughout this session of Congress, and we should, that probably most important are some of the structural changes that we are talking about—this being included as one of them. Some of the changes in procedure will result in the individual issues being changed and being about the change that voters asked for.

Sometimes, I suppose, people at home get a little impatient with the idea that we work for procedural changes. But let me suggest that in order to bring about continuing change, fundamental change, these procedural changes are the most important thing that we can do—procedural changes like the balanced-budget amendment, which will change our outlook on fiscal responsibility; changes like unfunded mandates, which will change the relationship between the Federal Government and the States; changes like accountability, which we passed yesterday, of course, which properly makes the Congress live under

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



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the same rules that it applies to everyone else. Term limits, I believe, are also a procedural change that needs to take place.

Unfunded mandates affect State and local communities. They are hidden taxes that local communities, businesses, and citizens have to pay. These mandates force the States and localities to increase their taxes or shift their priorities of spending and shift their services in order to make those ends meet. National programs should not be financed by local property taxes, but that is exactly what happens when the Congress passes an unfunded mandate. Unfunded mandates infringe upon States' rights. Federal mandates take away State and local community opportunities to set their own priorities and make it difficult for State and local governments to plan for the future.

I served in the Wyoming Legislature, and a good deal of our budget was committed, before we ever arrived in Cheyenne, to unfunded mandates.

This bill will help restore States' rights and the Founding Fathers' concept of federalism and the relationship that should exist between the Federal Government and the States. We will give some recognition to the 10th amendment, that those things that are not expressly given to the Federal Government should rest with the people and with the States and communities. In the words of Thomas Jefferson, "Were we directed by Washington when to sow and when to reap, we should soon want for bread."

A simple rule should apply to Congress: If legislation is good enough to pass, it ought to be good enough to pay for. The cost of unfunded Federal mandates is well documented. Over the past two decades the Federal Government has enacted over 200 new laws containing thousands of regulations and assigned the costs to State and local government. For example, unfunded mandates eat up about 12 percent of locally raised revenue and will cost localities about \$54 billion over the next 5 years.

Unfunded mandates, of course, exist everywhere. There are examples in Wyoming. Wyoming's towns are generally small towns. Greybull, WY, for example, was mandated \$1.3 million by EPA for a water treatment plant. That is nearly \$3,000 per resident who lives there.

Pinedale, WY, draws their water from the cleanest source anyone can imagine and the test results of that water are perfectly acceptable in quality. Nevertheless, they had to build a water treatment plant, not for the results but because of the unfunded mandates.

The city of Cheyenne, \$3 million in the last year alone, in the last fiscal year.

I guess the thing I remember the most was going to the community college in Torrington, WY, where they had made arrangements to make their auditorium accessible to disabled people under the Americans With Disabilities

Act—as they should. However, they had a way to make it accessible at very much less cost than what they finally had to do because of the regulations that were imposed under the mandate. To achieve the same goal they had to pay a great deal more.

The Clinton administration has a poor record on unfunded mandates. President Clinton's health proposal, the Brady law, and last year's crime bill are just some examples of this administration's unfunded mandate agenda. We need this bill enacted quickly to put the brakes on that regulatory machine.

The balanced-budget amendment, of course, will be before us soon. I support the balanced-budget amendment. I think it is morally and fiscally right to not be able to spend more than we take in. That should apply to the Federal Government as well. Local officials, of course, are concerned about a balanced-budget amendment unless they have the protection against unfunded mandates so that the result of a balanced-budget amendment will not simply be the shifting of costs to local governments.

By requiring activities without paying for them, official Washington can go on a spending spree on somebody else's credit card. It is easy and dishonest, but it is a way around the Federal deficit. Congress takes the credit for legislation but sidesteps the costs. The combination of these two proposals, unfunded mandates and a balanced budget amendment, will be the answer.

We need to pass unfunded mandates legislation before we tackle the balanced budget amendment to the Constitution. Last year, unfunded mandates legislation made it out of committee both in the House and in the Senate. I was a member of the Governmental Operations Committee in the House, and in the last days of the session we passed it. Unfortunately, it did not receive consideration on the floor.

In this new Congress, we have a tremendous opportunity to change the way government operates. While this bill is not as strong as some would like it, it is a solid first step in restoring some accountability in Washington.

The bottom line is that Washington must stop passing the buck and start taking the responsibility for the legislation it passes. It is vital that we take advantage of this opportunity to change the way Government functions.

Mr. President, thank you for the time. I yield the remainder of my time.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

#### UNFUNDED MANDATES

Mr. LOTT. Mr. President, not seeing any Senator seeking recognition at this time, I would like to take a few minutes to comment on the bill we will be taking up again today, the unfunded mandates bill.

I want to emphasize again that there will be votes today. I think that the distinguished majority leader intends that we go forward on this important legislation and that there will be votes on amendments or otherwise. It is not clear at this time exactly how long that will go. But I just wanted to make sure the Members understood, to be fair, that we will have some votes later on this morning, or perhaps in at least early afternoon.

I want to commend our distinguished majority leader and the minority leader for the patience they have already exhibited this year. We, I think, have made good progress. We have already passed S. 2, a major piece of legislation on congressional accountability. We are already now working on the next piece of major legislation, unfunded mandates. Members have been offering amendments freely, and that is the way it should be in the Senate. I am sure there will be a number of amendments on this unfunded mandates legislation. Perhaps there will be some good amendments that will be offered and actively debated, and perhaps even some amendments adopted as we go forward. That is what the legislative process is all about.

I think the majority leader intends to make sure Members have that opportunity to offer amendments and have a good debate, and move this good legislation and improve it, if it is possible.

There have been objections that reports were not available earlier. But the reports are available now. Any Senator can avail himself or herself of those reports. I hope they will read them and that we can go forward with the debate on the substance of this legislation. This is a good bill, well prepared over a long period of time. Yeomen's work has been done by the Senator from Idaho, Senator KEMPTHORNE, and Senator GLENN has worked on this legislation, probably for years, and certainly at least for months. Senator ROTH has done good work.

So there has been a tremendous amount of thought given this legislation. It has been changed and improved, and perhaps in some respects weakened because some points go beyond what I would like there to be in order to get something with which we can move forward.

This is a major step forward. This is setting up a process. This is not ending things that have been happening. This is giving us an opportunity to find out what is in a bill, to find out what it is going to cost and who is going to pay for it. What does it really do? That fact is I think most Americans would be incredulous to realize that we do not do that anyway.

So there is no need to delay this. Yes, we should have amendments. We should think about it. But we all know this legislation is going to pass overwhelmingly. I am sure probably almost every Republican and a majority of the