only one that does get a higher education—you get a high school education, you have got to live with it. You try to make a living today with it, you cannot do it. The gentleman from New York would agree with that.

Mr. SOLOMON. I would agree, yes, because some of those are good programs and we would not want to hurt those programs, we would want to continue those programs. And that was all we wanted to do in Reaganomics, that was to take all those categorical aid programs where we here in Washington, big brother government in Washington, was micromanaging education and saying to the local school districts back home, ''If do you this, we will give you the money.''

We did away with those. We folded all those categorical grant programs into a block grant, gave it to the State of Missouri, and said, ''State of Missouri, you will give 80 percent of that money to your local school districts, and you, local school districts, will set the curriculum because you know what is best for the people in the Missouri school districts,'' just like I know best about the schools in upstate New York school districts.

□ 1630

That is Reaganomics. That is what we are going to do now. We do not want to bounce those programs, turn it into a block grant, give it to the States, or that the State of Missouri—and your Governor, who I debated on ''Good Morning America'' the other day, agrees with that. He can do it better he says, and I agree with him.

Mr. VOLKMER. At this time I still say that I guess the proof will be in the pudding when we see the budget as proposed by the majority in the future. I understand, and perhaps the gentleman from New York [Mr. SOLOMON] can correct me; is it going to be two budgets, one budget to make room for the money so you can do the tax bill, and then another budget to do the 5-year budget? Or are you going to try and do it all at one time?

Mr. SOLOMON. I say to the gentleman, ''The main thing is to develop a budget that will balance the budget over 7 years. Now, whatever that takes. Then, if there are going to be tax cuts in addition, then there ought to be additional spending cuts beyond that. It takes $800 billion to balance the budget over that 7-year period.''

Some of us on the balanced-budget task force that I am the chairman of introduced a budget last year, you know, back in March, that did just that. It balanced the budget. We did not get very many votes for it at the time, but we are going to have the same budget available, and we hope that the majority will accept that budget, and then, if there are going to be tax cuts, make additional spending cuts to go along with it to pay for the tax cuts. That is being fiscally responsible.

Mr. VOLKMER. There will not be any tax cuts without spending cuts; is that correct?

Mr. SOLOMON. Over my dead body will that happen, absolutely.

Mr. VOLKMER. I mean over your dead body there will be spending cuts?

Mr. SOLOMON. There will be no tax cuts without any spending cuts to go with them.

Mr. VOLKMER. I say to the gentleman, ''Thank you. We agree on something else.''

## THE COURAGEOUS RESPONSE TO THE FLOODS IN CALIFORNIA

The SPEAKER pro tempore (Mr. LINDER). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY] is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today to commend the residents of Sonoma and Marin Counties in California for their courageous response to the floods which ravaged our communities and much of California last week. Law enforcement, county workers, emergency and rescue crews, and the National Guard worked double duty. Businesses, like the Bank of America and Safeway, donated space, clothing, and food, and finally volunteers and neighbors came together in a breathtaking effort to protect homes, streets, stores, and farms, and, most importantly, to save lives.

Mr. Speaker, nobody better exemplifies the spirit of the people of any district than John Alpin, a Red Cross volunteer and manager of the Sebastopol emergency shelter. John spent his first morning away from work after several 24-hour workdays setting up another shelter in Santa Rosa.

Mr. Speaker, the floodwaters may have risen quickly in my district in northern California, but they could not outpace the rapid and generous response of the brave people of Sonoma and Marin Counties.

## WHAT WE HAVE ACCOMPLISHED AND WHAT WE WILL ACCOMPLISH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Virginia [Mr. DAVIS] is recognized for 60 minutes as the designee of the majority leader.

Mr. DAVIS. Mr. Speaker, I think what the American people have seen over the last 2 weeks is a Congress that has made some promises and has kept those promises. In the first day this institution instituted many reforms that have been talked about for a number of years but have never been acted on. I always said, ''Actions speak louder than words.'' I think the American people are starting to see some actions, and I am going to talk a little bit today and with some of my colleagues about the unfunded-mandates legislation before this House, but I think it is important that we go back and look back over the last couple of weeks and see what we already have accomplished together.

The reforms of this institution, the first day, included forcing Congress to live under the same laws that everybody else lives under. This is something that has been talked about in the previous Congress but the Shays Act has now been passed by both bodies and sent to the President for signature, and for the first time Congress and its employees are going to live under the same laws: OSHA, the Americans With Disabilities Act, and a number of other laws that we had specifically exempted ourselves from in the past. So, we have accomplished this. We have cut the committee staffs, as we promised, by one-third. We have opened up committee meetings to the general public. No longer are meetings going to be held in private, behind closed doors, where appropriations are going to be zeroed out, where tax bills are going to be marked up, without the full view of the American public and the press. Now there are going to be opened up to the people. Proxy voting is now abolished, so from now on Members are going to have to be there listening to the debate and the arguments before they cast their vote in committee, a recommendation that have been made in the past that has never been brought to fruition until we did this changing our rules in the first day of the Congress.

Over the coming weeks many issues that the American people want considered, but for so long have been blocked from even coming to the floor in many cases, are going to be considered and open to debate in this body:

A balanced budget amendment hopefully will be coming before this body next week with many different amendments and options, open for Members to debate and vote on before we vote on it here and send it to the other body; line-item veto, something that the administration endorses, and many of us in Congress want to work with the administration to being this needed change about, and for once the executive will have the opportunity to look at items of pork and appropriation bills and line those out, and I think this will be a needed check on spending and some of the excessive spending that has actually originated in this body in the past. We will see a real crime bill come before this body, something the American people badly want. Legal reforms are going to be coming before this body in the next couple of months, and congressional term limits, something that we have never brought to the floor of the House before for a recorded vote, will be coming here in several different versions of that.

But today and next week this body, in conjunction with actions in the other body, are considering H.R. 5, the Unfunded Mandate Reform Act. This bill is simply a modest effort to cost out the effects of decisions that we make here in Congress, in Washington,

that mandate that State and local governments carry out, force those State and local governments to use local dollars to cost out and spend on our Federal priorities.

Now the opposition has responded with numerous horror stories, scare tactics, and inaccuracies in an effort to portray this legislation as an assault on environmental and health legislation. In point of fact it is nothing of the kind. This bill does not eliminate one current Federal program, but it will force Congress to assess the costs of such programs before we impose them on State and local governments. Many local governments today have to raise their real estate taxes, have to cut their local police, have to cut their school and education funding to comply with mandates that we are putting upon them, priorities that are set in Washington. The last Congress refused to act on this legislation, which is bipartisan once you get beyond the halls of Congress. The groups from the Governors' Association, the National Conference of State Legislators, the National Association of Counties, where I am chairman of their unfunded-mandates task force, but my cochairman, Yvonne Burke, a former Member of this body and a supervisor in Los Angeles County, was just as strong for this legislation when we argued and testified in hearings last year before both bodies of Congress. The National League of Cities, National Conference of Mayors, even the Chamber of Commerce and the National Federation of Independent Businesses [NFIB] have all come together to endorse this legislation which is now before Congress and will be—we have acted today in enacting some amendments, defeating others, and we will be doing this Monday afternoon and evening and Tuesday and, hopefully, wrap this up next week, and the Senate—excuse me, the other body—will be working on this at the same time, will go to conference, and hopefully have this out in the next month or so.

At this point I yield to the gentleman from Oregon [Mr. COOLEY] I think who has some remarks to make on this.

Mr. COOLEY. I thank the gentleman from Virginia [Mr. DAVIS].

Mr. Speaker, in light of the many amendments that have been offered to the Unfunded Mandate Reform Act, I rise at the request of my colleagues to quickly explain my amendments prior to their consideration next week. Briefly I would be offering two amendments that will strengthen this worthy legislation.

My first amendment would strike the mandated grandfather provision, and my second amendment would afford the private sector the same protection States will be given subsequent to intergovernmental mandates that are considered. The grandfather provision, found in section 2425(a), was added during the consideration of the Committee on Rules of the bill to protect all past mandates as long as they do not increase the mandate or decrease the resource allocated to fund it.

□ 1640

In other words, the Clean Water Act, Clean Air Act, Immigration Act, and Endangered Species Act, to name a few, are all protected from the procedural strictures this bill imposes on future mandates.

Quite simply, this is a mistake. The very reason we are addressing this issue is because the pain inflicted by unfunded mandates upon the States has reached critical mass. The support for the GOP Contract With America is a clear sign that, among other things, the people are tired of mandates, especially unfunded ones.

We have other matters to attend to, but passing a stronger version of this bill will send a clear message that this is an active Congress that is attentive to the will of the people and the needs of the States.

If we as a Congress do not address the problem of current unfunded mandates, we will be negligent in our duty. Compliance with just 12 of the most well-known unfunded intergovernmental mandates will cost the States $34 billion over the next 5 years and will continue to strangle nearly every aspect of our economy.

Mr. DAVIS. If the gentleman will yield on that point, I would just note in my own county of Fairfax, we costs out just 10 of those mandates and are paying over $30 million annually in local taxes, that is 6 cents in our local tax rate, and if you total that up, that is over $100 a house just to comply with just those mandates you mentioned. In addition to that, there are over 100 other unfunded mandates from the Federal Government that apply to local governments.

It is exactly this kind of problem, these unfunded trickle down taxes that emanate from Congress, but are foisted, that have to be paid by people at the local level, taxpayers at the local level, that Congress has not fessed up to its responsbility in that.

I think it is important that we take responsibility for that. There is certainly going to be actions, there is certainly priorities that need to be set from the Congress of the United States, and the costs are going to be passed down. But we should have an accounting of that, we should be aware of these, and we should affirmatively say we think this is important enough that we are going to put this mandate on State and local governments. We are not doing that now. It is hidden from view right now. This will be full accountability.

Mr. COOLEY. Thank you for your comments. I would like to say something other than what I prepared to tell you just about how bad this has become in my State of Oregon. I have a small community on the east side by the name of Haines. It has about 120 residents in that community, and it was founded over 150 years ago.

They have had their water checked, and it is clean and has been forever. And yet under the Federal mandate, Clean Water Act, they are going to be compelled to put in a $40,000 system for 120 residents. The people of Haines cannot afford it. Most of the people there live on less than $1,000 a month.

The Mayor of Haines came to the Oregon State Legislature, in which I served as a senator, and told the legislature, come and take the city. We will will you the city. We will deed the property back to the State, and you fill out these Federal mandates.

Of course, the State backed off immediately. But the thing is that this puts a hardship on small communities that they just financially can't afford.

I offer this amendment so that Congress will be forced to address the crucial questions that surround unfunded mandates. When we attempt to achieve the goals of clean air, clean water, a society accessible to the handicapped, and a just immigration policy, we have forgotten to ask ''at what cost?''

Like any commodity or service we purchase, the benefits that are derived from the unfunded mandates are subject to the principle of diminishing marginal returns. In other words, the more we receive of a particular item, whether it be clean water or protection of endangered species, the less valuable that final degree of cleanliness or protection becomes.

We can have too much of a good thing.

If you don't believe me, imagine this: Someone offers you a plate of your favorite food. You eat and they give you another. This continues and, depending on your girth and metabolism, sooner or later you are ill.

Water can be clean and safe and still not be pure $H_2O$—yet certain policies demand prevention and purity where they are neither necessary nor possible. I can't see the rationale and neither can the American people.

It is important to note that laws affecting civil and constitutional rights will remain unaffected by my amendment. Additionally, my amendment will not make the bill retroactive—Congress will address each reauthorization as it comes up for consideration.

Removing the grandfather clause will ensure that as mandates are reauthorized, Congress will reevaluate the real questions that must be answered. I urge my colleagues to carefully consider what I have said and support this and all measures that force Congress to consider the wisdom or folly or our predecessors.

My second amendment is aimed at protecting private industry and the heart of our economy, small businesses.

As written, the bill will subject new intergovernmental mandates to points of order here in the House when those mandates exceed $50 million. While a point of order is not an insurmountable

hurdle, it gives the House a moment to pause and consider the magnitude of its actions.

In fact, the point of order may be raised, voted upon, and passed by a comfortable margin without Congress turning aside from its consideration of such a sizable mandate. The heart of the matter, though, is that our bias will be against mandates. More importantly, we will indicate our intention by incorporating this into our procedures.

I seek the same protection for the private sector. If my amendment passes, private sector mandates that exceed $100 million will be subject to this same point of order. We will then be forced to stop and consider our actions in light of the fairness we are trying to impart to the States by passing this bill.

We pride ourselves as a nation on our fairness. When I offer my amendment, I ask that you carefully consider the fairness of the bill as written. Will we erect a double standard or will we protect the private sector as well?

We started this process with the resolve to end unfunded mandates. Let us not lose that resolve by hesitating to protect the private sector in the same manner.

I thank the Speaker and yield back the balance of my time.

Mr. DAVIS. Thank you very much. Let me just ask the gentleman one question if I may. Is it not a fact that the same individuals that elect local and State officials are the same ones who elect us? Is that not correct?

Mr. COOLEY. That is correct.

Mr. DAVIS. Basically they are looking to us to fill different levels of government to work together in the most efficient way to try to take care of their concerns and their problems. And one of the problems it seems to me with the unfunded mandates is we have it all backward. The priorities are set from a group that are not paying for those priorities. That leads to a whole different and inefficient way of doing business than if you are setting the priorities and paying for them. Do you agree?

Mr. COOLEY. We have both served in legislature and in government prior to coming to Congress, and as State legislators and a State senator, we mandated many things which we were forced to pass on to the small communities which we were forced to pass on to the small communities which we knew would not be able to financially afford them. But we had to pass those down. Because in that process, if we didn't, the Federal Government, as you know through the mandate process, has a compromise system, and if you do not follow mandates, sometimes you are penalized by not receiving other returns on Federal funding. So the system is more a system I would say of blackmail than it is of cooperation and spirit, and it should be done in cooperation and spirit, and not in the system that forces people to do it when they really truly want to, but maybe financially cannot, nor is it necessary.

Mr. DAVIS. I thank my distinguished colleague for those remarks. I just would at this point like to yield to the gentleman from Kentucky.

Mr. LEWIS of Kentucky. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 5, the Unfunded Mandates Reform Act.

Mr. Speaker, people across the country sent this institution a message last November. They said we are sick and tired of big Government telling us how to run our lives. I believe the Unfunded Mandate Reform Act is a vital step toward showing we heard what the people had to say and that we are doing something about it.

If we are serious about reducing the size and intrusiveness of the Federal Government, we should pass this bill. We have to stop passing the cost of our big ideas back to our State and local governments. I don't doubt that many of the unfunded mandates passed by this institution were well-intended.

The American people do need and they do deserve clean air, clean water, and a healthy environment. But it is well past time the Federal Government begins to get a little more honest about the cost of the laws we pass. Our mayors, our county judge executives, our Governors, have been pleading with us to quit passing the buck for many years now.

□ 1650

Yet the House of Representatives, the people's House, has all too often refused to listen. We need to remember that our actions have an impact on the folks back home. New laws and regulations cost money, and it is not our money we are spending. It is the people's money. And if we are going to spend the people's money, they deserve to know what it is for and why.

Mr. Speaker, it is time to clean up our act. If we need to pass new laws and regulations, let us be honest about their cost. Let us provide the money so that folks back home do not pay higher taxes and user fees. Let us show the leadership that the people sent us here to provide. Let us listen to the people.

Mr. DAVIS. Mr. Speaker, let me, if I could, just sum up for a minute. Mr. Speaker, I just note that one of the issues that came up today during the course of the debate, Members were saying, well, if one State dumped pollution into another State, the polluting State would not have to clean up unless Congress gave them a billion dollars and funded the mandate. That just is not so.

All we are asking for is a cost accounting to find out what the costs are of imposing these mandates onto the State and local government. Then we can get a clear picture, enter into a dialog with Senate and local governments so that we can act appropriately to make sure that the will of the people is carried out.

The 1991 Intermodal Surface Transportation Efficiency Act, ISTEA, included a provision requiring that highway asphalt in federally funded projects contain a certain percentage of recycled tire rubber, starting with 5 percent in 1994 and increasing incrementally to 20 percent by 1997 and beyond. Governors note that not a single State transportation department, nor the Federal Department of Transportation, nor any engineering trade association endorsed the rubberized asphalt provision when it was proposed here in this body.

They further point out that the requirement had no supportive evidence of any ostensible environmental benefits and potentially disrupts a common State practice of recycling asphalt by introducing an additive without testing its effects on the reclamation process and imposes a requirement that is terribly costly and inefficient.

That came from the Congress. The cost impact is most easily measured. States with effective tire-disposing programs found that disposing of used tires and asphalt was the most expensive method of disposal. The Ohio Department of Transportation, which normally pays $38 per cubic yard of asphalt, discovered that the average cost per cubic yard of rubberized asphalt is $108, almost three times the cost.

The Governor estimates that a 20-percent crumb rubber requirement will cost the State $50 million annually.

My question to my colleagues during this debate has been, what are we afraid of? Are we afraid to cost out these new mandates, to be accountable for the costs that we allocate to State and local governments and they, in turn, pass on to their taxpayers at the local level? Or are we willing to stand up and say, there are going to be measures, many of them environmental measures, that in point of fact call for Federal interference and mandating these costs. But we are not too afraid to face up to these costs up front, to have a dialog with the localities that are being asked to pay for this and then work in the most efficient way we can possibly to clean up the environment and to do whatever health and safety or whatever mandate we feel is so required.

I think that is the issue that is going to be before this body over the next week. I look forward to continued dialog with my colleagues on this, and I think the American people are waiting for action.

## RULES OF PROCEDURE FOR THE COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FOR THE 104TH CONGRESS.

(Mr. CLINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLINGER. Mr. Speaker, pursuant to and in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I