''* * * they should look before they leap.''

Mr. Chairman, that is the most important phrase of this editorial. It's exactly what I ask that we do before we vote for this amendment.

The supporters of this amendment should tell me and tell the American people what cuts will be required to achieve this budget balance. Tell us how we will get there.

None of us think we can go on running 1980's-style deficits. That decade saw the national debt increase from approximately $1 trillion to almost $4 trillion. Those deficits left a terrible legacy of debt and interest obligations for our grandchildren. We must never repeat that borrowing binge.

Yet, we should ''look before we leap.'' We are being asked to vote for a balanced budget amendment without being told where the cuts will be made.

Mr. Chairman, that is like being wheeled into the operating room without knowing whether the surgeon plans to repair an ingrown toenail or do brain surgery.

I support tough choices to keep our deficit on a downward track, so that our economy can outgrow the debt burden of the 1980's. We must do that while fulfilling our Nation's commitment to a strong national defense, to Social Security and Medicare, to job training, to Head Start, to education and school lunches.

But, Mr. Chairman, I fear that the rigid, inflexible, and arbitrary requirements of this balanced budget amendment will only be achieved by doing exactly what we are promising the American people that we will not do: cutting Social Security and Medicare, cutting national defense, cutting Head Start, cutting job training, and cutting education and school lunch programs.

Show me how to meet the balanced budget amendment without gutting these programs, Mr. Chairman, and I will support that goal. But 5 years from now, if this amendment is adopted, these very programs will likely bear the brunt of an unnecessary, economically unwise, budget straight jacket.

Why else, Mr. Chairman, would the House Republican majority leader have stated on Meet the Press on January 8, 1995: ''The fact of the matter is once Members of Congress know exactly, chapter and verse, the pain that the Government must live with in order to get a balanced government (sic), their knees will buckle.''

Mr. Chairman, we have economic problems for sure. But, we also have the greatest Nation and the strongest economy in the world. This economy must grow so that we can provide good incomes and educations to young families, and income security and good health care to our growing population of older Americans.

The amendment proposed today will impose economic pain on every American, and will work against the economic growth and expanding opportunity which we should seek for the next Century.

Let's not make that mistake, Mr. Chairman. Let's ''look before we leap.'' Let's reject this unwise amendment to our Constitution.

PROPOSING A BALANCED BUDGET AMENDMENT TO THE CONSTITUTION

SPEECH OF

HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 25, 1995

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.J. Res. 1) proposing a balanced budget amendment to the Constitution of the United States.

Mr. BALDACCI. Mr. Chairman, we have heard much discussion over the past days and weeks and even months about the need for an amendment to our Nation's Constitution to require a balanced Federal budget. Many would have us believe that this amendment is the only solution to our Nation's rising deficit and debt.

I disagree. The only true solution to this problem is the resolve of the President and Members of Congress to make the difficult and painful choices necessary to pay down our Nation's debt and to pass budgets that balance. Passing a constitutional amendment is not going to change that reality. It will not make the painful decisions go away.

As a former city councilor, State legislator and, most importantly, as a small business person, I know the importance of balancing budgets. As an American, I recognize the urgency in reducing our Nation's debilitating Federal deficit and debt. I strongly support the principle of a balanced budget, and I again pledge to take the inevitably painful steps required to meet this goal. However, I do not believe that the balanced budget amendment proposed in the Contract With America is the right course.

The proponents claim that passage of a constitutional amendment will give Members of Congress a strong incentive to make these unpalatable decisions. Perhaps that is true. At the same time, the American people demand—and rightly so—that the Federal Government put its fiscal house in order. I think that should be incentive enough for us to act.

With that said, I recognize that I am in the minority. It seems clear that an amendment to the Constitution will pass the House. It will then go to the Senate and, perhaps, to the States for ratification. Before that happens, however, I want to spell out exactly why I am opposed to the balanced budget amendment proposed in the Contract With America.

As proposed by the majority leadership, the balanced budget amendment is nothing more than a hoax. It is not an accurate reflection of how States and families balance their budgets. It writes into the Constitution requirements for supermajority votes that put small States at a disadvantage. It doesn't exclude Social Security. And it doesn't address the critical issue of judicial review.

I want to outline these concerns in more detail.

The contract's balanced budget amendment is disingenuous. It would not, as the proponents have claimed, make the Federal Government balance its books just as any State or family balances its books. I know. I served on the Maine State Senate for 12 years. I am a member of an average American family. In both cases, I've worked hard to achieve annual balanced budgets year after year, but not in the sense that the proponents of this amendment would require.

The contract's balanced budget amendment makes no distinction between capital and operating expenses. This is, in my opinion, a fatal flaw. States and American families do. Distinguishing between capital and operating expenses recognizes that these two types of expenses are very different. Operating expenses are the day-to-day expenses that each of us pays. Families pay their light bill, their phone bill, their oil bill. The Government also pays for its heat and its lights, and for its employees' salaries. Capital expenses, however, are long-term investments. These are purchases whose value is expected to last, and so we make payments on them over time. Families make monthly payments on their homes, their cars, their children's educations. The Government pays over time for our roads, our bridges, our sewage treatment plants.

In our homes and in our States, we balance our operating budgets and we finance over a longer time our capital expenses. Very few people are able to purchase their homes in full, paying cash up front. Very few States are able to purchase their bridges in full, paying cash up front. It is unrealistic to expect States or families to make capital purchases all at once. It is also unrealistic to ask the Federal Government to do so.

I cannot stress enough the crippling effect this amendment would have on our country if it does not separate capital and operating expenses. Investments in our national infrastructure either will have to be made up front in one lump sum and offset by substantial reductions, or they will have to be postponed. Do we really want to create a situation which forces us to watch our infrastructure crumble before our eyes? Where are the considerations of how this will affect our national economy, when our Nation's roads deteriorate so that our factories can't get their products to market? The costs are astronomical.

This amendment also writes into the Constitution a requirement that Congress not enact measures which would increase tax revenues or raise the public debt ceiling without a supermajority vote. I don't believe that this Congress should tie the hands of future Congresses in terms of responding to changing economic situations which cannot be predicted. Supermajority requirements have dangers associated with them. I come from a small State. We have only two Representatives in the Congress. A State like California, on the other hand, has 54 Representatives. I don't want to see the rights of my State steamrolled because a few large States join forces to thwart the will of the majority. Some have called it the tyranny of the minority. It's not a good way to run a democracy, and it doesn't result in good public policy.

Our colleagues in the other body have a supermajority requirement in their rules. The Senate requires a three-fifths vote in order to end a filibuster. This has resulted in the ability of a minority of Members being able to endlessly tie up legislation that a large majority supports. I can't think of anybody who believes the Senate's filibuster procedure is so good that it ought to be enshrined in the Constitution. The contract's amendment would do just that.

The amendment proposed in the contract also fails to recognize that Social Security is

different from other Federal programs. The majority made a half-hearted effort to eliminate the legitimate fears of our Nation's older citizens by offering House Concurrent Resolution 17. But far from exempting Social Security from the cuts required to achieve a balanced budget, that resolution merely called on the appropriate committees of the House and the Senate to report implementing legislation that would achieve a balanced budget without increasing the receipts or reducing the disbursements of the Social Security trust funds.

This was meaningless. Why not include in the amendment itself a prohibition on utilizing Social Security funds to achieve a balanced budget? We seem to agree on two things. First, nobody wants to cut Social Security. Second, everybody wants to balance the budget. Our majority colleagues think we need a constitutional amendment to do what we've said we want to do with the budget. But they don't think we need the same sort of constitutional protection to make sure that we stick to our pledge not to cut Social Security. This doesn't make any sense. Our country's senior citizens have worked hard and they deserve to have the integrity of the Social Security program protected. They deserve better than a nonbinding resolution.

Finally, the contract's balanced budget amendment fails to address the critical issue of judicial review. Our Founding Fathers carefully set up our system of checks and balances. The three branches of Government have different powers and different responsibilities. The contract's amendment has the potential turn the duties of the executive and legislative branches over to the judiciary. There is nothing in this amendment to prevent lawsuits from tying up the Federal courts with issues that rightly belong in the legislative domain. I was elected by the people of Maine's Second District to come to Washington and make tough choices. I was not elected to come here and abdicate my responsibilities to nine unelected and largely unaccountable Supreme Court Justices.

Enactment and ratification of the contract's balanced budget amendment will not reduce the Federal deficit by one penny. Only Congress can do that. If we lack the courage to make the difficult choices required, I am not convinced that an amendment to the Constitution is going to provide sufficient fortification.

That said, I am placed in a difficult position. I want to demonstrate my strong support for balancing the Federal budget. I have lived and worked under a State balanced budget requirement for 12 years. But the rule which was adopted governing this debate does not permit me to address my very serious concerns by offering amendments to improve any of the six substitutes which we are being allowed by the majority to consider.

And so, as happens so often in the legislative branch, I am forced to choose between imperfect measures. For the reasons I have outlined above, I cannot support the contract's balanced budget amendment. It is simply too flawed and too contrary to the best interests of the American people.

I will, however, support the amendment offered by my colleague, Mr. WISE. His amendment, while far from perfect, addresses four of my major concerns. It provides for separate capital and operating budgets, a realistic way for the Federal Government to handle its finances. It doesn't include any supermajority requirements. It allows for deficit spending to combat an economic downturn. And it takes Social Security out of the equation.

Mr. WISE'S substitute comes the closest to working the way the State of Maine works. It is a method which has been successful there and one with which I feel comfortable. While I still have grave reservations about amending our Constitution in this manner, I am persuaded that Mr. WISE'S amendment is sound enough that it should be sent forward to the States. The States and the people will make the final determination as to whether this amendment makes economic sense. I believe that upon closer inspection, the people will realize that the balanced budget amendment is not the easy solution that many have claimed.

The Federal Government must put its fiscal house in order. We must do so starting today, not with a promise to do it 7 years from now. I am not convinced that an amendment to the Constitution is a necessary step on the path to achieving that goal, but I am convinced that the people deserve the chance to decide for themselves.

No matter what the outcome of this debate, I am committed to making the difficult decisions required to balance the budget and pay down our Federal deficit. I hope that my colleagues will work with me, starting now, to take the necessary actions.

UNFUNDED MANDATE REFORM ACT OF 19953

SPEECH OF

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, January 20, 1995

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

Mr. CUNNINGHAM. Mr. Chairman, I want to discuss H.R., 5, the Unfunded Mandates Reform Act and share with the House the observations of San Diego Mayor Susan Golding. Recently, I had the pleasure to meet with Mayor Golding to discuss this bill and other issues before the Congress.

Mayor Golding provided me with a partial list of current Federal mandates placed on the city of San Diego. She said that besides the up-front costs, each mandate contains a hidden burden of paperwork, record keeping, and reporting. Each of these mandates has some Federal agency reviewing compliance. Moreover, most of these mandates carry penalties for noncompliance.

The most egregious example involves the requirements imposed by the Environmental Protection Agency that the city of San Diego move toward secondary treatment of wastewater. The problem is that the regulations were designed to protect rivers and lakes—fresh water. San Diego, however, has a deep discharge into the Pacific Ocean. The world renowned Scripps Institute of Oceanography has concluded that secondary treatment is unneeded in San Diego. Yet the Federal Government still insists that the city of San Diego expend some $1.4 billion to upgrade to secondary treatment, no matter what the best scientists say. After years of litigation, the stalemate continues.

The list of mandates ranges from the obvious to the obscure. To comply with the Americans with Disabilities Act, the city must spend $100,000. Swimming pool operator training costs $1,500. The level of sand in sandboxes at city-run tot centers is monitored by the U.S. Consumer Product Safety Commission, costing San Diego taxpayers $75,000 a year. Reporting requirements for the CDBG program add $20,000 in costs. Monitoring of groundwater at city landfills costs $130,000 annually; gas monitoring adds another $34,000.

No one questions that some Federal regulations are needed. Federal standards for health and safety have saved lives and improved the quality of life for all Americans. If an issue is important enough to demand action by the Congress, then by definition, it ought to be important enough to be funded by the Congress.

The city would meet many of these health and safety standards anyway. The problem arises when the Federal Government issues these mandates, burdening the city with record keeping, paperwork, and the potential for litigation and fines.

We know that H.R. 5 won't solve the problem of existing mandates alone. But it is still vital that Congress pass this legislation. The commission established by H.R. 5 will be chartered to review existing mandates and report recommendations for change to Congress. Further, this bill sends a clear message to our beleaguered cities, counties, and States that this Congress will no longer conduct business as usual.

The experience of San Diego is typical. I know from my discussions with other mayors and local officials that they also shoulder these burdens. In some cases, smaller communities are hit even harder than cities, as they lack the resources and staff to comply with Federal mandates.

Mr. Speaker, as an original cosponsor of the bill. I urge prompt passage of H.R. 5. This bill does nothing to threaten the health and safety of the American people. It is a significant step toward reforming our attitude here in Washington.

CONGRATULATIONS TO THE NATIONAL COUNCIL OF NEGRO WOMEN, INC., AND THE NATIONAL ELDERCARE INSTITUTE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Friday, January 27, 1995

Mr. THOMPSON. Mr. Speaker, I stand before you today to congratulate the National Council of Negro Women, Inc. and the National Eldercare Institute for a historic conference which honored older women. In October 1991, the National Council of Negro Women, Inc., entered into a cooperative agreement with the U.S. Department of Health and Human Services, Administration on Aging, to establish a National Eldercare Institute on Older Women [NEIOW].