EXTENSIONS OF REMARKS

NATIONAL GOVERNORS' ASSOCIATION SUPPORTS FLOW CONTROL

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. SMITH of New Jersey. Mr. Speaker, last week, the National Governors' Association passed an important resolution in support of congressional restoration of flow control authority to State and local governments.

When the Supreme Court rejected such authority in its May 1994 decision in Carbone versus Clarkstown, New York, it struck a devastating blow to the financial stability of thousands of communities nationwide. Justice Sandra Day O'Connor reminded Congress of its part in developing these circumstances. You see, although Congress had implied that States and localities had the authority to use flow control; Congress had never granted the authority explicitly. We now have not only the opportunity, but the responsibility to finish what we started.

It is imperative that we do so with all due speed because communities nationwide have amassed an outstanding debt of more than $10 billion purely by meeting its traditional responsibilities of picking up the trash.

Congress held hearings and markups and debates on this issue throughout 1994. The divergent interests of local governments, the private sector waste companies, and Wall Street came together through months of intense negotiations. The product of these efforts was a compromise proposal which passed the House by unanimous consent on October 7, and nearly passed through the Senate before it adjourned the next day.

On January 4, I reintroduced this exact text as the Community Solvency Act (H.R. 24) with a bipartisan group of cosponsors. I encourage my colleagues to read the persuasive and well-reasoned arguments of the Governors' resolution and to join them in their fight to meet the public health and safety needs of our constituents in a cost-effective and environmentally sound way. In short, I encourage my colleagues to cosponsor H.R. 24.

NATIONAL GOVERNORS ASSOCIATION RESOLUTION

3.4.1 Each State, Alone or in Cooperation with Other States, Should Manage the Waste Produced Within Its Borders in an Environmentally Sound Manner. This goal requires states to take responsibility for the treatment and disposal of solid waste created within their borders to eventually eliminate the transportation of unwanted waste sent over state lines for treatment or disposal.

It should be the national policy for each state to promote self-sufficiency in the management of solid waste. States should be allowed to use reasonable methods to achieve their goal of self-sufficiency, including the use of waste flow control. Self-sufficiency is a reliable, cost-effective, long-term path and generally reflects the principle that the citizens ultimately are responsible for the wastes they create.

As states phase in programs to ensure self-sufficiency, Congress should require the federal government to pursue aggressively packaging and product composition initiatives and to identify and foster creation of markets for recyclable or recycled goods. Federal assistance in these waste reduction endeavors is critical to developing national waste reduction and recycling programs to achieve self-sufficiency.

Similarly, the federal government must mandate national minimum performance standards for municipal solid waste disposal facilities. Otherwise, some states may resolve capacity crises brought about by export limitations by keeping open landfills that otherwise should be closed. Also, the lack of minimum standards may encourage exports, because it might be cheaper, even taking into consideration transportation costs, for a community in a state with stringent regulations to ship to nearby states that do not have the same requirements.

The development of solid waste management plans should be the primary responsibility of the states and local governments, and the Governors urge EPA to assist states in the development of comprehensive and integrated planning and regulatory programs through financial and technical assistance. Such plans should include a ten-year planning horizon and should be updated at least every five years. These plans should include a description of the following:

The waste management hierarchy that maximizes cost-effective source reduction, reuse, and recycling of materials;

The planning period;

The waste inventory;

The relationship between state and local governments;

Municipal solid waste reduction and recycling programs;

A waste capacity analysis for municipal solid waste (which in no way should resemble a capacity assurance requirement similar to Section 104 of the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA);

The state's regulatory program;

The process for citizen participation; and

Self-certification that the state has necessary authority to implement these program elements.

EPA review of plans should be limited to a check for completeness based on elements specified in this policy and raised by EPA during the public comment period of the draft plan. EPA does not have the ability or the resources to take on the solid waste planning and management responsibilities that fall under the historical and rightful domain of state and local governments. Moreover, EPA's intrusion into the planning process (in a manner similar to Subtitle C of the Resource Conservation and Recovery Act, or RCRA) would frustrate and impede the planning process already underway in many states.

States should retain authority to implement and enforce Subtitle D programs upon passage of legislation reauthorizing RCRA, and new program elements in this legislation should be automatically delegated to states. Should a state fail to submit a complete plan, EPA should assume responsibility for the permitting and enforcement portion of a state solid waste management program after the state is given the opportunity to appeal and correct any deficiencies.

THE BALANCED BUDGET AMENDMENT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 8, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, February 8, 1995, into the CONGRESSIONAL RECORD.

THE BALANCED BUDGET AMENDMENT

In Late January, with my support, the House passed a balanced budget constitutional amendment by a vote of 300–132. Several different versions were considered. The one that passed would require the President to propose a balanced budget each year, and it would take a ⅗ vote of both the House and Senate to pass an unbalanced budget.

It may well be that nothing short of a constitutional amendment will force Congress and the President to confront the tough choices necessary to balance the budget. We have simply had great difficulty in coming to consensus on specific increases in taxes or cuts in government spending. The result is an institutional bias toward running a deficit. An amendment could very well force the government to set priorities, a key task that has not been done very well in the past.

PROBLEMS

Although the amendment was broadly supported in the House, there are problems with using a constitutional amendment to balance the budget. First, a balanced budget amendment could reduce the government's flexibility to deal with national emergencies such as war or recession. It could force the government to raise taxes or cut spending to cover the increasing deficit that a slowing economy was generating. Fiscal policy then would exaggerate rather than mitigate the swings in the economy, and recessions would tend to be deeper and longer. Second, a balanced budget amendment puts off tough decisions and delays action until ratification by the states, which could take many years. Postponing the tough choices could make them much harder in the long run. Third, a balanced budget amendment could draw the courts into budget policy. If Congress failed to pass a balanced budget, unelected judges might have the power to raise taxes or cut programs. Fourth, a balanced budget amendment is an incentive for Congress and the President to evade the requirements. They could do that by imposing or withdrawing regulations, placing new requirements on states or business, saying that certain kinds of spending is off budget, setting up quasi-government authorities to borrow money, or scores of