

overwhelmed by the number of young people who want to come in. In poor communities where they stayed away from the library in the past, one or two computers established in the library has resulted in long waiting list of youngsters who flood into the place every day and they want to make use of the computers.

It is a whole new ball game in terms of libraries being overwhelmed by students voluntarily coming after school and wanting to be a part of what is going on. It is the computers and the new technology that attracts them. They would never be able to get it anywhere else and, therefore, it is an area where we certainly could guarantee that everybody is a part of the new information age, everybody has access to the information superhighway.

There is one representative of the library community on Vice President GORE's committee to advise on the information superhighway and we hope that they are listened to. We hope that there is more than just rhetoric in terms of including libraries in the process of developing this information superhighway and Federal support for the information superhighway.

What we get from Brooklyn, my own hometown, is a statement from the libraries that none of them are wired sufficiently to really receive updated state of the art technology. They do not have the wiring. In most of the big cities of America, the institutions like schools and libraries do not have the wiring necessary to be hooked up properly. They need a great amount of money to pay for the installation of new wiring, or they need some legislation from the Federal level, because only the Federal Government can do it, which requires telecommunications companies to wire schools, to wire libraries and educational institutions at a discount or maybe for free, as part of their contribution for the benefits they are receiving from the overall participation in the Federal Government's information superhighway activities.

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Something has to be done to give priority to the general public and to provide an opportunity for the general public. One of the concrete steps that can be taken is to deal with the problem that most libraries in most schools in the big cities, it is not the same as the suburbs and the rural communities, they have problems too, rural communities and big cities, it is easier to do it, to wire the rural communities, less costly to wire a school. In the big cities to wire the library is very, very costly.

The support began for libraries in the local communities at a time when New York City was undergoing a great budget crisis. The citizens made clear that they did not want their library services cut. In fact, library service was cut drastically, and whereas libraries had been opened 6 days a week, they were down to 4, and the citizens rose up and said, no matter what the costs are,

how dire our financial situation is, we do not see great amounts of money being required to keep libraries open. And in the last political campaign for mayor, both candidates made pledges that libraries would remain a priority. That is the same case throughout the Nation. Most citizens feel that they are due decent public libraries. It may be more complicated to get first-class schools and get the funding necessary, but it is a fairly simple matter to provide enough support to help provide decent libraries and have the Federal Government continue to participate in this process.

I hope that the coming budget debate will be conducted with the majority party as well as the minority party having its ears to the public. I hope we listen to the public. I hope we check the polls and we follow the polls in many, many ways, and we follow the focus groups in many, many ways. Let us not try to put a spin on and ignore and distort the information that comes from the public. The American public clearly wants support for education programs. The American public does not want to see the Department of Education eliminated. The American public does not want that kind of barbaric act to be taken in the name of streamlining government.

There is a majority out there that is going to have to be reckoned with, and that majority, whatever questions we may have about it, one thing is clear, they think education is the key to their own individual family's future, and they think education is the key to the future of the Nation. They do not accept the argument that defense is only a military matter, that security is only a military matter. Security they understand is partially a matter of being prepared with the kind of educated population that you need to have and brain power becomes a major part of it. They do not think the Federal Government should only be concerned about security. They think promoting the general welfare as stated in the Constitution is as much a part of the duty and responsibilities of the Federal Government as any other duty and responsibility.

So let us promote the general welfare in 1995 terms. Let us go into the 21st century promoting the general welfare in the most up-to-date, state-of-the-art manner that it can be promoted. That is to provide for a first-class educational effort.

We have spent a tremendous amount of money and resources to update our defenses, our Department of Defense and our military installations. We would never have dreamed 30 years ago or 50 years ago following the end of World War II that we would ever be investing billions and billions of dollars in certain kinds of weapons systems, but we saw it as necessary. Modern technology demanded that we spend more money on very complicated weapons systems. Now the modern challenge is we spend more money on edu-

cation. Instead of cutting education, we should be doubling the budget for education. Instead of cutting education, we should be looking at new ways to make certain that our whole environment is saturated with funds for learning. Instead of cutting the budget for education, we should be making it the No. 1 priority.

The American people have already stated that they consider it one of our top priorities. Anyone who fails to listen to that will have to reckon with the American people.

I hope that the caring majority out there, the people out there who are the majority and want to see education as a priority, will have their voices heard, and let it be soon. I hope they will become very visible. I hope they will make it clear to every decisionmaker here in Washington, both in the Congress and the executive branch, that education is a priority of the American people. We would like to see our representatives represent the people and not their own agenda, not their own distorted agenda.

#### CALL FOR AN INVESTIGATION INTO ACTIVITIES OF THE ENVIRONMENTAL PROTECTION AGENCY

The SPEAKER pro tempore (Mr. LATOURETTE). Under the Speaker's announced policy of January 4, 1995, the gentleman from Louisiana [Mr. TAUZIN] is recognized for 60 minutes as the minority leader's designee.

#### WEATHER TRAGEDY IN LOUISIANA

Mr. TAUZIN. Mr. Speaker, before I begin tonight, I want to call to the Nation's attention the fact that there are quite a few folks in my home State of Louisiana who are indeed suffering tonight. Yesterday and up until about 1 o'clock this morning we were deluged with about 18 inches of rain in the New Orleans area. That is 18 inches in 1 day for those of you who live in States that may only get as much as 4 inches a year. I see my friend from out West in the audience.

The 18 inches of rainfall has inundated communities all over my district and the districts adjacent to mine, that of BILL JEFFERSON and BOB LIVINGSTON and others out West, and we have situations ongoing right now of tragedy, tornadoes and homes destroyed. People have drowned in their cars as they were trying to get to and from their work and residences.

I just spoke to my mother in Chackbay, and God bless her, she is an awfully wonderful and devout woman, and I think her prayers saved her. I understand a tornado just hopped over our house and just missed her, and I wanted to say a word of thanks to the Good Lord for sparing her and others tonight, and a word of comfort and consolation for families who have losses and who are grieved in this awful flood that is unfortunately still unfolding in many communities in south

Louisiana. To all of you who are suffering, please know that my office and other offices up here are working in coordination with the Governor's office in Louisiana to see as rapidly as possible that we get every bit of Federal assistance we can to families who are in need, and that we get a disaster declaration as rapidly as we can in place to help you and your families.

In the meantime, we are all in the Good Lord's care tonight, and we hope and pray your grief and losses are kept to a minimum.

Mr. Speaker, I yield to my good friend from California.

Mr. BILBRAY. I appreciate the gentleman yielding. I would like to echo the concerns about the disaster in Louisiana. As my wife, who is from New Orleans, would point out, it is an always ongoing threat for everyone who lives in different parts of the country, one that the people in Louisiana face, and the threat that you do have those rains. She always sort of scoffs at Californians, and what we call rain she calls a drizzle, and sadly those conditions have turned more severe than normal in Louisiana.

I would like to say for those of us in California who understand tragedy from nature, we appreciate that it comes in different forms, and we are sorry you have to confront a different form at this time.

Mr. TAUZIN. I thank the gentleman for his comments and concerns, and indeed those of you who live in California understand tragedy and natural disaster, and I appreciate the gentleman's comments tonight.

Mr. Speaker, I do this special order tonight not out of a great pleasure, but actually with some real degree of regret and sorrow that it has to be done. Today, at a press conference here in Washington, I announced a call for an investigation into activities of the Environmental Protection Agency in region 6, Dallas, activities which clearly violated the rights of a citizen in my district and his family, activities which may have, in fact, violated Federal criminal statutes, certainly violated the civil rights of that citizen, and are going to result almost certainly in a lawsuit by the citizen against his own Government, and in my opinion should result in a dismissal of the Federal employee responsible for what has occurred.

The case involves a case that I cited on this House floor when we debated the property-rights bill that was passed by this House and sent onto the Senate and now awaits action by that body. When we debated that property-rights bill in the context of one of the amendments offered to gut the bill, I told the story, a true story, of two families in my district who were embroiled in a bitter lawsuit, one against the other, and who were also embroiled in an awful conflict with the EPA and the Corps of Engineers in New Orleans in a wetlands dispute. Now there are many allegations flying back and forth in

that lawsuit. But the facts as we know them are these:

The facts are that in 1990 one of the families, the Gautreau family, decided to build a pond on their property in Ascension Parish in my district. In desiring to build this farm pond, they contacted the LSU Agricultural extension personnel who came out and examined the site with them. In that initial examination of the site, those LSU officials suggested to the Gautreaus that they should contact the Corps of Engineers to make sure that they did not need a permit for the construction of the pond.

As a matter of fact, one of the Gautreau brothers, Jeff, did call the Corps of Engineers the next day. Approximately on or about September 1990, I think it was around September 10, he contacted the Corps of Engineers, and according to Mr. Jeff Gautreau, the Corps of Engineers representative, the then Dr. Tom Davidson, told them that if he was going to build a livestock pond on his farm that he really did not need a permit, all he needed to do was send a letter describing what he intended to do and including a sketch of the site, and that his activity would be exempt under the wetlands laws as they then understood them in 1990 and as they applied them from the Corps of Engineers office in New Orleans.

According to Jeff Gautreau, in the chronology of events that he supplied to me, Dr. Davidson told him to do whatever he wanted with the dirt, and the Corps had no jurisdiction over than. In fact, the Corps did send, at the request of Mr. Gautreau, who wrote him a letter the next day, a letter indicating that the pond construction was exempt, and that he could proceed without a Corps of Engineers wetlands permit. No mention was made in that letter that he was in any way restricted as to what to do with that dirt.

Mr. Gautreau proceeded to dig that pond. He proceeded to spread the dirt on his property, and later on constructed a home on that same property.

In 1993 all hell broke loose. In 1993 Mr. Gautreau was interested in selling that home and that property. In the context of selling it, he decided to shape the pond a bit more, and also spread a little more dirt to fill in any little holes in the lawn of the property where the house was. So he began that work, only to be met with a cease-and-desist order from the Corps of Engineers. In the context of those days and that event, Mr. Gautreau ended up selling that home. In those same months, the Corps of Engineers, by a written letter to him in the cease-and-desist order, indicate he could make everything right by simply applying for an after-the-fact permit, which if the Corps granted it would make everything right. He, in fact, applied for an after-the-fact permit. In that letter from the Corps, Mr. Gautreau was told that while the Corps could take action

against him, they had decided that there was no willful violation, and that he should proceed either to restore the site or apply for an after-the-fact permit. Mr. Gautreau applied for that after-the-fact permit. It was never granted. Today, they are in an awful wetlands dispute.

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Today as we meet here in this Chamber tonight, Mr. Gautreau and his purchaser, Mr. Chaconas, are in an awful lawsuit over rescission of that sale. The agents who handled the sale are part of the lawsuit. The insurance companies for the real estate agents are part of the lawsuit. Both parties are currently listed as co-violators of the wetland laws of the United States of America, and the Corps of Engineers and the EPA are still considering an enforcement action that could require the Gautreaus or the Chaconases, whoever owns the land, to take down that home, to destroy it.

In fact, a lane leading to that property and to another property across the street is also built on that property, and while no decision has yet been made, an enforcement option still available to the EPA and the Corps is removal of that lane.

I told the House that day in the debate how in conversations with representatives of the Corps and the EPA, when the parties asked how they might get to their home if the lane were removed, someone said, "Take a helicopter." I pointed out the arrogance of the State agency that would do that sort of thing.

During our break, when we went away to do our hometown meetings, to take a break from the 100-day session, my office began to be contacted by scores of agencies wanting to do a news story on this awful piece of wetlands drama going on in my State. As we began to check into what the news people were interested in, it became clear the focus of the news story was to make a case that we had not told the truth about that story on the House floor in the middle of that debate.

One of the news agencies, NBC, contacted us and asked for an interview. I gave them the interview. I was still in town. In the course of the interview, it became clear what was going on.

There was an attempt to say, "Did you really tell the story the way it really happened? Mr. Chaconas does not believe you told the story right."

I asked the NBC interviewer if he had bothered to talk to the other family, the Gautreaus. He had not at that point. I suggested to him he ought to do that. This was a lawsuit between two parties. They each had different versions of the facts. He ought to at least talk to the other side. He did. He called the attorney for the Gautreaus, and in an hour conversation with the Gautreaus' lawyer, a new fact emerged. NBC was in possession of a document, possession of a document that represented itself to be an enforcement

memo from the EPA in Region 6, Dallas, which in fact discussed what they considered to be the willful, criminal violations of the Gautreaus violating the laws of the United States in a criminal way.

NBC was in possession of this confidential memo that was not available to the Gautreau family despite the fact that Mr. Gautreau and his lawyers had filed a Freedom of Information request upon the agency for all documents that should be available to them.

Where did NBC get this document? The Gautreaus' lawyers asked for a copy of it. NBC was kind enough to fax it to the Gautreaus' lawyers. And when it arrived and when it was examined, the little muddy footprint led right back to the scene of the crime. The little muddy footprints in this case are the fax numbers, the fax transmittal numbers that appear on the top of the transmittals.

Next to me is a copy of the NBC facsimile transmission sheet sending this document to the Gautreaus' attorney. The document is next, the transmission fax numbers are right on the header of the document. Those transmission fax numbers tell the story.

This document, pertaining to highly sensitive considerations by the EPA that the work was performed willfully, flagrantly, and justifiably should be treated as a crime, that confidential memo had been faxed by the EPA Region 6, to the Defense Fund of the Sierra Club in New Orleans upon their request. A document denied the Gautreaus had been sent to a lobby organization, a document referring to potential criminal activity on the part of an American family, and the Sierra Club, shame on them, transmitted this confidential data, implying criminal activity on the part of an American to NBC, and heaven knows who else.

This transmittal of this confidential memo by the EPA, denied the parties under the Freedom of Information Act, may constitute a criminal violation of the National Privacy Act. The National Privacy Act, in part, provides that no record contained by an agency that refers to a particular individual and an enforcement action can be shared with anyone without the written consent of the person it talks about, and any agent/employee of the Federal Government who willfully does, in fact, send a document out to individuals other than the person it talks about without their written consent is guilty of a Federal criminal violation and subject to criminal penalties under the statutes.

Certainly, the rights of the Gautreaus have been awfully violated here. They intend to file a lawsuit now against the Federal Government, the EPA, for the damage they have done their reputation, the damage it may have done their lawsuit, the damage it may do to them eventually if, in fact, they are ordered to tear down a house they may be ordered to repurchase from the Chaconases in a lawsuit.

This illegal transmission also contains the following language: "Restoration should include removal of the House and fill. How to handle removal of the house, restoration work, while Chaconas still owns the property is under debate." In short, it tells the story of EPA, Region 6, contemplating enforcement action to order the destruction of that house, but obviously reluctant to do so as long as the Chaconases own it.

The next sentence, at the bottom, says the Chaconas' suit against the Gautreaus is scheduled for April 5, 1995. In fact, that suit has been continued until June.

This little muddy footprint facsimile transmission is, in fact, evidence that officials within the EPA are working hand in glove with environmental lobby groups in Washington, in an obvious attempt to influence the debate on the property rights, the Clean Water bill which comes up just tomorrow in this House, and those environmental organizations are working hand in glove with friends of theirs in the media to attempt to influence this debate, and in this case sharing with them a confidential memo implying criminal guilt on a party in America that should never have been in their hands in the first place, protected under the Privacy Act that we thought protected us all in this country.

This is a transmittal from the EPA on the next day to the Sierra Club, again in New Orleans, "Thought I'd send a copy of the Corps of Engineers' delineation. Let me know if you need anything else." You can see how cooperative they are.

When the parties requested a Freedom of Information from the EPA, a whole list of documents that were not shared with them is contained on the transmittal to the Gautreaus, but you can see how cooperative the EPA is with the Sierra Club in not only answering their request illegally, but in sending more documents the next day just because they thought they ought to have them.

This is part of the chronology of events that was shared with me and my office when both the Chaconases and the Gautreaus appealed to us for assistance in this matter way back last year, early in the year. In this chronology of events, you can see that Mr. Jeff Gautreau pointed out and was questioned further by Dr. Davidson, and the Corps of Engineers stated Roger could do whatever he wanted with the dirt from the pond, as the corps had no authority and could not tell him what to do with the dirt. That is what Mr. Gautreau says he was told by the Corps of Engineers when he applied for the right to build that pond and, in fact, to do what he did on his property.

What followed his written request was the following letter from the Department of the Army Corps of Engineers:

DEAR MR. GAUTREAU: This is in response to your letter of approximately, September 12, 1990, in which you indicate your intention to

dig a farm pond to provide water for your livestock in Ascension Parish, Louisiana. We have reviewed your project as proposed and have determined the farm pond work is exempt from the U.S. Army Corps of Engineers' jurisdiction as authorized in 33 CFF 323.4, 83 of our regulations, dated November 13, 1986.

That is the wetlands regulations, 404 permits.

I enclose the photocopy of this regulation for your convenience. Should you have further questions regarding the matter, please contact Dr. Tom Davidson,

again at that number and that address. This letter telling the Gautreaus they were exempt and could proceed with the pond contains no restriction on the use of that dirt, and yet in 1993 the Department of the Army Corps of Engineers sends this letter to Mr. Gautreau, this letter saying—

You are in violation of the Clean Water Act. You are in violation of 404 wetlands laws. You cannot move dirt around that property. That is a wetland, and in fact you have got two choices. You may apply for an after-the-fact permit, or you can, in fact, restore the site to its existing conditions before the unauthorized work.

In the letter the corps says, "Removal of the existing unauthorized work," which later came to be interpreted as not only the construction of fill around the house but also the house itself—

May be necessary if the permit is denied after we complete a public interest review of the application. You can also see in the letter that this work could have subjected you to judicial proceedings. However, after a careful review of the investigative findings and the nature of the work involved, I have decided against such action at this time.

Things change. Things changed mightily. And as this lawsuit proceeds and as the parties await the determination of the judge as to who should own the house, we continue our debate on the property rights laws of America and the wetlands reform bill that will be before us tomorrow.

Could this have been prevented? Could this have been prevented? I think so. If we only had a law on the books that said parties have a right to contest the finding by the Corps of Engineers that their property is wetlands, that the Corps of Engineers were required to inspect the site before they sent a letter saying, "We have no problems when you are doing something on your property," if the Corps of Engineers would have posted publicly in some public place a notice that they think a violation has occurred so that owners might not sell their property and buyers might not buy without knowing what is going on so they can avoid lawsuits like this, and finally, if the corps does want to take somebody's property and destroy their home because they think it is a wetland, then, by golly, somebody ought to be willing to pay an American the price of his property when the Government takes it from him. That is what this fight tomorrow is going to be all about.

Now, NBC was not the only news agency that was apparently invited to

do a story on the Chaconas-Gautreau case. CNN was one of the other agencies, CNN Headline News, to be precise. Unlike NBC, they did their little story while we were away. I did not get a chance to get interviewed on that story. We were away at home.

But in that story, CNN proceeded to show this horrible wetlands case, to interview Mr. Chaconas. They did not contact the lawyers, as the Gautreaus suggested, to clear an interview with the Gautreaus. They only interviewed Mr. Chaconas. Then they proceeded to do a hit piece. Why do I call it a hit piece? Because it was just what we expected.

Before they did this piece on Headline News, hour after hour, every day all day, rather, on the day they ran the story, my office sent them all the documents I have shown you and more documents which indicated that we had responded when the Chaconases and the Gautreaus asked us for help, that we received letters of thanks from the parties thanking us, that we received letters from Mr. Chaconas supporting our efforts on property rights, that we received a copy of the letter Mr. Chaconas sent to the EPA demanding payment for taking property in violation of the fifth amendment of the Constitution.

We also sent them documents that contained information unequivocally that indicated the corps and the EPA had, as an enforcement option, as I demonstrated to you earlier, the removal of the House and the rug. Those were clearly options EPA had on its desk and, by the way, continues to potentially have on its desk.

And yet I wanted to show you this CNN piece tonight. I was not allowed to bring a monitor. I would have loved to have run the piece for you to show you what they did. In the piece, they asked the question, "What about the congressman's claim," speaking of me, "that the Federal regulators might force the Chaconases to tear the House down?" The CNN reporter asked that, and immediately they turned to Ron Ventola, an employee of the Corps of Engineers in New Orleans, LA, who, by the way, signed that letter, who signed the letter indicating that the property, the pond, was exempt under the wetlands laws, Mr. Ron Ventola.

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Mr. Ron Ventola appears on CNN in this piece and, he says, "Oh, no, no one from this agency told them they would have to tear down their house or remove the road," leaving the clear impression that we had told a falsehood in the House in the debate on property rights. That was the purpose of the CNN piece apparently. CNN knew this was a lie. CNN had documents that we sent to them indicating that the Corps and the EPA indeed has discussed tearing this man's house down. In fact, in fact, the Corps of Engineers had a copy of Mr. Chaconas' letter to the EPA dated September 22 which reads in part:

The house is situated in the wetland, and the three alternatives the EPA is considering, a demolition, moving or elevating the structure.

And yet the Corps reported on CNN, no, no one from this agency told them they would have to tear down their house or remove the road. What a lie told on national television hour after hour and repeated hour after hour in an attempt by those in this environmental community working with those liberal friends in the environmental sector of CNN Headline News to make it look like those of us who believe in property rights who are fighting this battle do not tell our stories right. What a shame. What a despicable piece of journalism from an awfully good and credible news agency.

What a credit NBC earned for sharing this scandal to us, for giving us a chance to expose it to the American public.

I wanted to show you also Mr. Chaconas' request to the EPA dated September 22, 1994. Here is his words to the EPA on that date:

We received the wetlands determination from the Corps. The Federal Government has thus taken control of a majority of our property in the residence. We consider this a taking of our private property for the public good and demand fair and just compensation from the EPA. Consider this as my formal request.

Does that sound like a gentleman who would testify in the Senate against the property rights bill? Does that sound like a gentleman who would go to a House committee and attempt to testify against the property rights bill alleging all the facts that he thought were correct in his lawsuit? A gentleman who made a formal demand on EPA for payment for taking his property? A gentleman who wrote us, in fact, on June 27 that property rights are very important, and my wife and I continue to support your efforts. The point is that buyers and existing land owners are slipping through the cracks because of Federal Government agencies, EPA and the Corps, are really doing a poor job of enforcement. June 27.

Same letter, June 27 again:

Please commend Mr. Constien who is my district director. His efforts have served to diminish my role as a coviolator. EPA did assure me, as long as I cooperated with them and allowed access to the property for corrective measures, they would not seek damages from me. Well who would they seek damages from?

You get the picture? Cooperate with us or else.

Well, the Chaconases apparently have started to cooperated with the EPA and the Sierra Club. Here again on June 28. I listened to Mike Reagan's show on 11:50 a.m., WJBO, on Monday afternoon, caught the taped show you guest-hosted for Mr. Reagan. I was quite impressed. It was at this time we caught the reference to our case that you had mentioned on the air. You doing a good job in Washington, my

birth place. Everybody down here is talking about it.

Does this sound like a man going to the Senate and attack this Congressman for misrepresenting his case? What happened? Who poisoned Mr. Chaconas' mind? What made him come out against property rights when he was demanding payment for the taking of his property of the September 22 letter? Who suggested to him that his Congressman was no longer on his side?

Well, in that memo, in that first memo, we get a hint, we get a hint. How to handle removal of a house or restoration work while the Chaconases still own the property is still under debate. We get a hint of what happened. Cooperate or else. We will enforce the demolition order against the Gautreaus, but maybe not against the Chaconases. Cooperate with us.

Now I am sure Mr. Chaconas would not ever admit that he was coerced into changing his mind so dramatically, that he came to Washington, just on his own, that he did not have the help of the Sierra Club, that he did not have the cooperative arm of the EPA, whom I have just shown has violated Federal privacy laws in this case, in Dallas Region 6. I am sure he would say that. I do not blame him frankly. He is trying to protect his home, and the gun of regulation is pointed at his head. We could demolish your home. Cooperate with us, and we will not penalize you. Maybe the Gautreaus, but not you.

What a story. What a disgusting story of a person's own government treating him that way. What a rotten mess. What an example for us as we tomorrow take up the wetlands reform bill of the Clean Water Act, as we try once and for all to reign in those Federal agents and agencies who dare to treat people that way, who violate the Gautreau's privacy rights, who inflict these after-the-fact determinations of wetlands on people and threaten them with demolition of their home and who, in my opinion, end up coercing people to change their opinion on an issue and to cooperate with them or else face the disaster of destruction of their property. What a mess. What an awful mess.

Tomorrow we get a chance to change it. Tomorrow we begin the debate on the Clean Water Act which contains those regulations, those 404 wetlands laws that are so often abused, so often are used to coerce people in my State and all over America, so often end up taking property away from people without just compensation. But worse than that, in this case putting one neighbor in a lawsuit against his neighbor, making it almost impossible then for them to live next to one another, putting them now in a lawsuit against their own government, and perhaps, if the Justice Department and Carol Browner do their job, perhaps costing some people their job in Dallas.

And I have called upon Carol Browner to clean up that mess, and, if

she cannot clean up that mess in her agency, maybe she ought to think about cleaning out her desk. But we in America ought to say enough is enough, and Federal agencies ought not be our master. The government ought to be our servant again in this country, and then when the government becomes such a master that it can so willingly violate our rights, as they did the 'Gautreaus' in this case, that it can create such a mess as it has in Ascension Parish, Louisiana, and when it can work so hand and glove with lobbyists here in Washington, DC bent on influencing this issue, who then work hand and glove with their liberal friends and some of the media to distort the facts and propagandize their case again reform, then something needs to change. Tomorrow we get a chance to change that. I hope, I pray we do not miss that chance. We need to pass reforms of the wetlands laws, and we need to make sure that property compensation is a part of that law, and if the President dares to veto it, as he threatened to do without even reading the bill, I hope we have the guts in this Congress to override his veto and to give the Americans the protection they deserve under the Constitution, protection against employees of this Government who would take advantage of them the way these employees have.

I am going to file a new bill, by the way, to make it a Federal crime to do what they have done to the Gautreaus and to do it and make it a Federal crime to do what they have done to the Chaconases. No regulatory agency ought to ever have the power to curse somebody with the threat of enforcement action, and no Federal agent ought to keep his job when he violates the privacy rights of Americans and cooperates with lobby groups with sensitive memos detailing potential criminal activity. That has gone too far, and we ought to end it in this body. Tomorrow we strike a blow for land owners and citizens all over this country, and, if this Congress has the will and the fortitude to override the expected veto whenever it comes, perhaps we can remake a relationship in this country between the Government and its people again, where there is credibility, and trust, and fairness, and where we do not have to be suing our Government, and ordering investigations and criminal charges brought against Government officials who ought to know better, who ought to do better than Ron Ventola did in the New Orleans office and lying on television and who ought to do better than those EPA officials did in Dallas.

I yield to the gentleman from Florida [Mr. MICA]. 3

Mr. MICA. First of all I want to take just a moment to express my appreciation to the gentleman from Louisiana [Mr. TAUZIN] for bringing this matter to the attention of the House. For too long the Agency, EPA, has really reigned out of control, and I come here

tonight, I know the hour is late, before the House, but I want to commend you again on bringing this matter to the attention of both the House and the Congress, another example of misdeed, of malfeasance, of misfeasance in office, which has been conducted by the Environmental Protection Agency.

I come here also to commend you in a bipartisan effort. I am on the other side of the aisle and thank you for your leadership in questions relating to wetlands, to revision of some of the laws such as the Clean Water legislation which the House will be taking up tomorrow, and again for bringing before the Congress and the American people the question of how this agency is functioning out of control.

Mr. Speaker and gentleman from Louisiana, I had the opportunity to sit as a member of the subcommittee in the House Committee on Government Operations during the last session of Congress. I came as a new member. I came as someone from business with a business background.

Quite frankly I sat in absolute stunned fashion to listen day after day in hearing after hearing of how an agency which is so well-intended—in fact it is a Republican initiative that created the Environmental Protection Agency. Everyone wants to protect the environment. Everyone wants to look out for the environment. Everyone wants to preserve wetlands and our natural areas for this generation and future generations. But to sit as a member of that committee and consistently hear the abuse, the misuse, the misdirection of billions of taxpayer dollars, I was just stunned and appalled, and that is why I got involved in this issue. That is why during the last Congress, as a new Member of this Congress, I was able to get support from both sides of the aisle when the question of elevating EPA from a department to a Cabinet level position came before the House, and we defeated that measure, not because people do not want to protect the environment, not because people are not concerned about the environment, not because people have any interests in lowering the standards for environmental protection in this country, but because of exactly the reason the gentleman from Louisiana is on the floor tonight, because this agency is out of control, and you have brought to the House again another example that should be investigated, and I, too, demand an investigation and will do everything in my power to see that the majority acts on your request because again this agency is out of control. This agency is so inept, so out of control, again I brought this matter before the attention of the House, and let me cite to you what they did to me.

Here, just several months ago, they sent a fax to my office inviting me to a briefing on wetlands. They sent the fax, and the cover sheet is addressed to two individuals. Both were my opponents in the election. In fact their list

predated the qualifying date for election in the State of Florida. So they used a list that was even out of date and then they gave me this lame excuse as a response.

□ 2100

But here they have the time to send me a fax addressed to my opponents with my name on it, to my congressional office, months after the election. If this is not an example of abuse of office, and, if nothing else, ineptness in office.

Now, you bring tonight an example to the floor of what this agency is doing in your instance. Here is a little example of what they are doing in my particular situation. I called for an investigation back in the spring of this year, in February, I believe it was, of this year, and this is the lame excuse that I got.

This is an agency that is out of control. And when they have time to intimidate people, to act in a manner in which the gentleman has brought before the House tonight, they deserve investigation. And I intend as a Member of the majority side of the House to see that in fact this agency investigates the matter you brought before the House.

Let me also point out that I, too, had great hopes. Carol Browner, Administrator Browner, came from my State, the State of Florida. It was my hope she had seen some of the problems with this agency from serving in a capacity at the State level that protected the environment in the State of Florida, and would come here and try to make changes in this agency, make some sense out of it. But it is the situation where the inmates are running the asylum.

Mr. TAUZIN. My friend will love this. This is a letter I just received this last couple of months from attorneys writing to the office of the General Counsel, National Oceanic and Atmospheric Administration, one of the environmental agencies working hand-in-glove with EPA. It is regarding settlement discussions of the turtle/shrimp litigation. You have shared my problems in Florida with this and requiring more and more regulations upon the shrimpers in my State because of the Endangered Species Act. Listen to this paragraph.

Finally, on a public policy note, my clients are becoming deeply distressed about how the agency appears to be more responsive to, and to some extent acting in collusion with, representatives of the environmental community with respect to the shrimp/turtle controversy. Although Andy Kemmerer and Rollie Schmitt appear anxious to hear industry's concerns, we still sense the agency is responding to what appears to be a "shadow government" formed by certain environmental groups.

The link I talked about tonight, this illegal transmission of confidential data to one of the environmental groups, is part and parcel of what this is all about, an agency out of control,

acting on its own, working with lobbyists here to accomplish their agenda.

Mr. MICA. If the gentleman will yield back, again the gentleman cites an example that needs and demands and requires investigation, and I support the gentleman in that, and now this side of the aisle will support you in that.

I brought another matter, it is not a major matter of life and death, but a matter that concerned me. Chairman MCINTOSH, DAVID MCINTOSH, who heads the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, is in the process now of also investigating the use of taxpayer money to lobby the Congress on issues, which is totally illegal.

So there are a number of these very pressing examples of misuse of this office that need to be investigated by this Congress. Again, I join you tonight and make a commitment to you tonight that we will pursue these matters. And I will tell you, first of all, we have to get the attention in revising this legislation, and we will have that opportunity to look at clean water and some of the other issues that are before the House.

But if we cannot get the agency's attention with these investigations, we will get the agency's attention through the budgetary process and through the appropriations process. Because there are many Members, like the gentleman from Louisiana and other Members of this Congress, who have absolutely had it, right up to here, with this agency. It is out of control, it needs to be brought into control, and we can do a much better job in protecting the environment of this country.

I consider myself an environmentalist. I consider myself as someone who is concerned about the future of the environment that we live in. I want to leave to my children and my grandchildren a better world, a better United States, a better environment. But we cannot do it when an agency is out of control, it is misdirected, and the funds that it is getting are expended in ways in which they were not intended by this Congress.

So we have to rein that in. We have to investigate what is going on there. And we can do a better job and we are demanded to do a better job because we have limited resources. We have literally run out of the taxpayer dollar in the Congress of the United States, and we have to find a better way to do a better job with less money.

So we are demanding that. I join the gentleman in asking my colleagues in the Congress and the House on both sides to look at these matters, to bring this agency into control, and to do a better job in protecting the environment. I am so pleased to join you.

Before I conclude, I just want to again quote, and we have had questions raised about EPA and its being brought out under control. During some of the debate you have an opportunity to sit and read different documents, and I had an opportunity to sit here and read

during one of our last debates the Declaration of Independence.

When you look back at the reasons that this country was formed, they are very enlightening. They were very enlightening 200 years ago, and they should be enlightening to all the Members. But I have to repeat this, and I made this comment from the Declaration. This cites one of the reasons for the founding of this country, and it talks about here the King of England, and you can substitute the king with the Federal bureaucracy and EPA.

It says:

He has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance.

The same thing that happened 200 years ago is happening today with this agency and other agencies that are out of control.

Again, I commend the gentleman from Louisiana for bringing this matter to the attention of the House in such detail. I commend you on documenting every point here and showing how again this agency has misused the position of trust given to this agency by the Congress and by the American people, and it demands our attention and our investigation.

Mr. TAUZIN. I thank the gentleman from Florida [Mr. MICA] who has been a leader in the fight as I said to rein in this agency. I appreciate your offers of help. We are going to need a lot of help in that regard.

Mr. MCINTOSH. If the gentleman will yield, I thank the distinguished gentleman from Louisiana, a leading defender in the rights of private property owners, for yielding to me. I want to add my support to your investigation into this newest allegation of the abuse of power at EPA. Our Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, we often call it the subcommittee to cut red tape, has been investigating EPA activity, and that activity closely mirrors what you have encountered at the agency.

Let me stop to say I also want to commend you for your efforts on behalf of property owners who have encountered regulatory overreach in the wetlands area.

I have got several constituents in my district who have encountered similar problems. One gentleman, Bob Floyd, owns a farm in my hometown of Muncie, and he had been farming this land for 50 years. One day his neighbor accidentally destroys the drainage tile which is necessary to irrigate his land, and suddenly a mud puddle developed on one corner of the field. In swooped EPA and said he could no longer farm the land because this might be an endangered wetland.

It is that type of overreach and abuse of the program that have led to many of our problems. But today we are looking at and you have raised a very serious question on the standard of ethics and the propriety of the agency's activities in defending their ac-

tions. The activity that we are investigating in the subcommittee appears to violate several Federal statutes, including provisions of the Anti-lobbying Act and the Federal conspiracy statute.

Our subcommittee has shown that EPA has been using taxpayer funds to create and send out illegal lobbying material to over 100 grassroots lobbying organizations. Most of that material was dishonest propaganda. All of this was designed to incite these outside organizations to attack Members of Congress who supported regulatory reform in the last period of Congress during the 100 days.

Our evidence suggests a high degree of coordination and cooperation between EPA and these outside lobbying groups to convey the agency's somewhat hysterical message against any type of real meaningful regulatory reform. Sometimes I was reminded in the debate of Chicken Little, who cried over and over again the sky is falling, the sky is falling, and we all know what our effort is, is to protect the environment, but to do it in a better way that does not overregulate the American people.

Well, top EPA officials, many of whom came from various environmental advocacy groups engaged in this lobbying, do not seem to understand that their responsibility is now one to the American people. It is a responsibility that comes with their office, and they can no longer act as lobbyists or partisan political operatives. They have a fiduciary duty to the American people to use taxpayer money in accordance with the law. One of the laws requires that agencies not engage in this type of outside lobbying activity, and it is very clear that they have intended to orchestrate that sort of a program with these outside lobbying groups.

You know, when the first contacted EPA about this lobbying activity, we expected the agency to cooperate with our probe. We assumed that it had been something that perhaps had not been reviewed by the highest levels in the government. But instead, the top political appointees have stonewalled the investigation, they have continued to engage in very similar, highly questionable conduct, and Administrator Browner, herself, has shown contempt for our investigation and for the Congress in her public speeches and comments to the press, all the while denying that anyone at EPA could possibly have done anything wrong, because they are at EPA acting in what they see as the interests of the agency. Yet the very act that you have exposed as violating the Privacy Act is part of a troubling pattern of evidence that indicates that these top agency officials may have violated other Federal statutes and Federal appropriations laws.

We have evidence that EPA conduct you have been exposing may be part of a larger plan to use taxpayer dollars to

spread disinformation about the Contract with America and the reforms that we were trying to pass. In a way, they politicized the agency and have taken it beyond its legitimate purpose. This does not serve the goal of preserving the environment, but undermines the credibility of the agency in the eyes of the American people. I want to commend you for your personal courage and welcome your call for an investigation into this troubling activity. I very much appreciate the distinguished gentleman from Louisiana for yielding to me on this important matter of Government ethics, and want to commend him in that endeavor.

Mr. TAUZIN. I want to thank the chairman of the committee, not only for his efforts in uncovering more and more of the evidence that leads inescapably to some of the conclusions you and I and others are coming to. The agency is out of control. It is literally engaging in political activities it was never designed to engage in and in violation of citizens' rights, but also for accepting the challenge as other committees have already done, by the way. The INI Subcommittee of the Committee on Energy and Commerce has already started an investigation of this matter. We have enough investigators out there. We might just uncover enough to put a stop to some of this stuff.

I want to thank the gentleman for all of his efforts in regulatory reform and for the courage many Members of the House have shared with him in passing legislation that the Senate I hope will take up soon and pass for us and give it to the President, and hopefully the American people and we soon can end some of those abuses as rapidly as we can.

Mr. MCINTOSH. If the gentleman will yield again, I wanted to commend the gentleman for also showing this is a bipartisan effort, that the standards of high ethical conduct and obeying the law are something that Democrats and Republicans want all public servants to obey in this country, and I appreciate his courage and effort to point that out, that that fiduciary duty and the standards of obeying the law and implementing the laws, is something that we can share as Members of both political parties in endeavoring to make sure that the Government does what is right and what is best for the American people. So I commend the gentleman in that effort, and am pleased to be associated with the gentleman's effort.

Mr. TAUZIN. Mr. Chairman, I also wanted to point out I am not sure that everyone in America understands that it does take some real courage on the part of this House to take on some of these people. The Sierra Club is livid right now. They are livid that we uncovered this.

I wrote a letter to Mr. Peter Dykster of CNN Headline News complaining about the despicable piece of journalism he performed on behalf, I think, of the environmental community. And

guess what? The Sierra Club wrote me a letter today distributed all over the Hill. The Sierra Club has received a copy of the letter you sent Mr. Peter Dykster of CNN News dated April 13. They got the letter already.

□ 2115

They are good old buddies. They are working hand and glove. The letter establishes again this connection, this connection that weaves through some of these liberals in the media who are prepared to do anything to propagandize this effort.

These environmental groups are working with taxpayer funds in some cases; in some other cases, in direct collusion with EPA officials that do not mind violating the law to help them out to spread their disinformation. And the fabric, this weave of collusion and interaction is beginning to be exposed.

I am not a conspiracy theorist, but I see what I see, and I read what I read. And when an agency of the Government is willing to violate a citizen's rights to help a lobby group who then runs to the media with something as confidential as that and gets livid when we expose it, I think you understand what is going on.

They will attack. The Sierra Club will attack you, will attack every Member of this body who dares to take them on. But it is time we take them on. They are wrong. And the agencies of Government are wrong when they work with them in order to take away the rights of Americans.

We are in this fight to win, not for you and I, but for the sake of those landowners and Americans who thought they could depend upon the Constitution who now need a law to protect them as rapidly as we can pass them.

Mr. MCINTOSH. The gentleman is exactly on point. The American people expect us to have a higher standard and to have the courage to stand up for these groups. They are tired of seeing Government abuse its power, and they find it a refreshing change that we have now got Members of Congress on both sides of the aisle who are going to make an issue of that and stand up for what is right. And the consequences may be difficult for us in a political way, but we know in our hearts that we are doing what the American people want and what is right.

I am reminded of another farmer in Indiana, Mr. Bart Dye, who came to our subcommittee hearing. We had a field hearing in my hometown, Indianapolis, over the recess about the problems of regulations. And he summed up his testimony by saying, "I fought in World War II to protect the freedoms that we held dear in our hearts. I didn't expect the country to turn on me as I am now entering the twilight days of my life."

So it is for people like Mr. Dye who we have to stand up for those freedoms,

and I think the gentleman being willing to do that.

Mr. TAUZIN. I thank the gentleman so much for his statement.

Let me assure you, it does not just happen to farmers and to little landowners like Mr. Gautreau. They do not care who they pick on.

I just got a fax tonight from the Second Circuit Court of Appeals judge in Shreveport, LA. I was in Shreveport last weekend. He told me about this and promised to send me a fax on it and authorized me to tell the story tonight.

This is a court of appeals judge who bought 460 acres in Tangipahoa Parish across the lake from New Orleans. The tract is about 1/4 miles frontage on Louisiana Highway 22 between Ponchatoula and Madisonville. It has been owned by the family for 80 years, primarily used as timber land. In 1993, he spent \$10,000 to map an aerial survey, do soil studies, and to submit all those studies to the Corps of Engineers.

On December 14, 1993, the Corps of Engineers, in a two-page document signed by, guess who, Dr. Thom Davidson of Gautreau-Chaconas fame, Dr. Thom Davidson, which document was identified with a survey that was attached, declared over 90 percent of the 460 acres nonwet. Only 41 acres out of the 460 was determined to be wet, subject to the jurisdiction of the Corps of Engineers under the Clean Water Act. He has that document signed by Thom Davidson.

Well, spring of 1994 comes along.

I entered into a venture with a partner "to test the real estate market" by beginning a residential development on 58 acres of a larger tract. Not one part of the 58 acres was wetland. Absolutely none.

Here comes the horror part.

He is away in Europe for the 50th anniversary of D-day in June 1994.

\* \* \* when several of the bearded wonders of the U.S. Army came out and told my partner to get off his bulldozer and stop his work, as he was violating wetlands. Since then, the Army has reevaluated the 58 acres and has declared over half of it to be wetlands. We have been stopped since last June, 11 months ago, while attempting the so-called permitting process. The cost, expenses and damages resulting from this invasion have yet to be determined. If folks in Washington, D.C. do not understand why so many people in this country are angry, then they really do not get it.

This is not a militia man. This is not an angry man with a gun on talk radio. This is a Second Circuit Court of Appeals judge who, 4 years after the corps wrote him a letter saying the land is not wetlands, shows up with a cease and desist order and has now got him all tangled up in a wetlands dispute, much like the Gautreaus and the Chaconases who, 3 years after the home was built, showed up to say, We now think it is a wetland in spite of the fact that we sent you a letter earlier saying this property was exempt. Now you are in trouble.

That is the kind of mess Americans are going through. Farmers, little

homeowners, court of appeals judges. Who have they missed?

#### MORE ON PROPERTY RIGHTS

The SPEAKER pro tempore (Mr. LATOURETTE). Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, the gentleman asked a rhetorical question, is there anyone who is perhaps left unaffected by this? I think the answer is no. I am reminded of another group of people that were gravely affected in my district and that is the workers in my district.

There is a town in the second district of Indiana, Anderson, which for years has been a very strong auto manufacturing town. GM has had numerous plants there.

At one point I believe they employed quite a large percent of the population in that town, almost 50 percent. As they have been downsizing some of their operations, the town of Anderson has been seeking to gain new employers. And one of the development projects that they sought to bring into their town was the new plant by the Nestlé Corp. that would diversify some of the jobs in that area, create hundreds of new jobs for people in the town of Anderson.

As they looked at the site, Nestlé was considering Anderson and another town out of the district in Indiana, a couple other sites, and were about ready to locate this new facility there when they discovered that there might be a wetlands problem in the land that they were looking at to build this new plant. The land had been farmland for generations, was not something that you would think of as an environmentally sensitive area. But because of the threat that the government might come in under the wetlands law and deny them the permit to build this plant, the Nestlé Co. says, we are going to look elsewhere and located the facility somewhere else. Thank goodness we were lucky they chose another place in the United States. Sometimes we are not so fortunate and we are sending jobs overseas.

So the working man and woman in this country suffer when these regulations cause jobs to be relocated so that they cannot be built in our communities, another example of people who are affected by this abuse of the regulatory powers.

Again, let me commend the gentleman from Louisiana for his courage and effort in this area. I wholeheartedly support that.

Mr. TAUZIN. I thank the gentleman, if the gentleman will yield. I want to thank him and again particularly express my appreciation for accepting the challenge to help us in this investigation, to get to the bottom of this, put a stop to it, then eventually to change some laws in this country so that the fifth amendment of the Constitution is

not just some piece of paper, that it is a real and enforceable right for Americans who are being deprived of their property without just compensation through these regulatory overkills.

I look forward to working with the gentleman, thank him for joining me tonight. And I think we both owe a debt of thanks to the Chair for being so patient with us this evening.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT), for today, on account of illness in the family.

Mr. ROGERS (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. DELAURO) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Mr. FRANK of Massachusetts, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. MENENDEZ, for 5 minutes, today.

Mr. DEUTSCH, for 5 minutes, today.

Mr. RAHALL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. GRAHAM, for 5 minutes, on May 9, 10, 11, and 12.

Mr. DORNAN, for 5 minutes, on May 10.

Mr. KINGSTON, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. MCINTOSH, for 5 minutes, today.

#### EXTENSION OF REMARKS.

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. DELAURO) and to include extraneous matter:)

Mr. OBEY.

Mr. WARD.

Mr. HAMILTON in three instances.

Mr. KILDEE in two instances.

Mr. BECERRA.

Mr. RANGEL.

Ms. PELOSI in two instances.

Mr. ACKERMAN in two instances.

Mr. ENGEL.

Mr. DEFAZIO.

Mr. FOGLIETTA.

Mr. UNDERWOOD.

Mrs. MALONEY in two instances.

Mr. HALL of Ohio.

Mr. STOKES.

Mr. LANTOS.

Mr. JACOBS in two instances.

Mr. KENNEDY of Massachusetts.

Mr. DELLUMS.

Mr. REED.

Mr. FARR.

Mr. STARK.

Mr. JOHNSON of South Dakota.

Mr. CONDIT.

Mr. DINGELL.

Mr. HILLIARD.

Mr. BROWN of Ohio.

Mr. RICHARDSON.

Mr. OBERSTAR.

Mr. BERMAN.

Mr. LAFALCE.

Mr. TORRES.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. BAKER of California.

Mr. ROGERS.

Mr. SMITH of New Jersey.

Mr. WELLER.

Mr. DAVIS.

Mr. MARTINI.

Mr. NEY.

Mr. FORBES.

Mr. CASTLE.

Mr. SAXTON.

Mr. FLANAGAN.

Mr. PACKARD.

Mr. EWING.

Mr. GILMAN.

Mr. STUMP.

Mr. COOLEY.

Mr. TATE.

Mr. LEACH.

Mr. EMERSON.

Mr. BREWSTER.

(The following Members (at the request of Mr. MCINTOSH) and to include extraneous matter:)

Mrs. KENNELLY.

Mr. MONTGOMERY.

Ms. FURSE.

Mr. BACHUS.

Mr. LAUGHLIN.

#### SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 103. An act entitled the "Lost Creek Land Exchange Act of 1955"; to the Committee on Resources.

#### BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles: