

scientific discovery and new technologies will take America into the new century well-equipped for the challenges and opportunities that lie ahead.

The future, it is often said, has no constituency. But the truth is, we must all be the constituency of the future. We have a duty—to ourselves, to our children, to future generations—to make these farsighted investments in science and technology to help us master this moment of change and to build a better America for the 21st century.

WILLIAM J. CLINTON.

THE WHITE HOUSE, April 9, 1997.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LEGISLATIVE POWERS AND THE EXECUTIVE BRANCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nevada [Mr. GIBBONS] is recognized for 5 minutes.

Mr. GIBBONS. Mr. Speaker, today I want to discuss something so powerful and hurtful that it cripples the economy, puts a stranglehold on businesses and farms, destroys livelihoods and families, and yet seems unstoppable. This monster that I am discussing is the power that was once granted to Congress in Article 1, Section 1 of the United States Constitution, which reads: "All legislative powers herein granted shall be vested in a Congress." Today, however, the executive branch of this very Government has taken control of this reserved privilege and holds it captive at the expense of American citizens.

The regulatory authority now used by these Government agencies to legislate, to create rule after rule, regulation after regulation, has begun to put a stranglehold on the western part of this country to the extent that they may never again breathe.

To illustrate my point, I would like to discuss the police powers Secretary of the Interior Babbitt and the Bureau of Land Management allegedly assume to possess. On November 7, 1996, the BLM posted in the Federal Register new law enforcement regulations. Although the BLM claims that these regulations are merely a recodification of the current regulations and do not result in the creation of "new authority," this is simply not the case. The proposed law enforcement regulations are an attempt to vastly, and in most cases unlawfully, expand the BLM's law enforcement authority by increasing the number and types of actions which may result in the violation of the law enforcement regulations and substantially increase the penalties for violation of such regulations.

The Constitution of the United States guarantees proper notice de-

scribing those actions which law enforcement agencies may subject its citizens to criminal punishment. However, in this case, BLM has criminalized thousands of minor violations of Federal, State and local rules that previously were not criminal, without explaining the specific acts which are now criminal. The proposed regulations' vague references to "any law or ordinance" are not constitutionally sufficient, thus making the proposed regulations unconstitutional.

For example, proposed regulation section 9263.1 makes any citizen a criminal who is on Federal lands and who does not comply with all "State and local laws, regulations and ordinances relating to the use, standards, registrations, operation and inspection of motorized vehicles and trailers." The average citizen, and probably many employees of the BLM, are not familiar with the thousands of regulations that have just been elevated to criminal status. Without a specific list of the acts or omissions which would be criminal, the BLM's proposed regulations are again illegal.

The egregiousness of these actions does not stop there. The United States Constitution states that a citizen may not be placed in jeopardy twice for the same offense. These proposed regulations state that an individual who is in charge or charged with a violation by the Environmental Protection Agency can also be charged by the BLM with a violation of the Federal Land Policy Management Act. This is clearly an attempt to submit citizens to double jeopardy and thus circumvent the Constitution.

Furthermore, the eighth amendment of the Constitution states "Excessive bills shall not be required nor excessive fines imposed nor cruel and unusual punishment inflicted." The possibility that one may be fined \$100,000 for driving 1 mile an hour over a 30-mile-an-hour speed limit is certainly an excessive fine. The possibility of spending 12 months in jail for the same offense is also cruel and unusual punishment and again unconstitutional.

Yet, as we all know, Mr. Speaker, the Secretary of the Interior on March 11, 1997, released a press statement titled, "Secretary Babbitt Directs BLM to Halt Action, Go Back to the Drawing Board with Law Enforcement Regulations." However, the press release goes on to further quote Mr. Babbitt directly and states

This action does not diminish the legal authority of the BLM law enforcement officers on public land. But it is very clear that we have not done a good job of clarifying regulations and communicating BLM's legal authority under existing Federal statutes to protect health, safety and environmental resources on America's public lands.

Let me explain further, Mr. Speaker, and tell my colleagues exactly what powers the BLM is commandeering:

On July 24, 1994, a New Mexico family was on a family outing at the Santa Cruz Lake area in the northern part of

that State. After fishing and picnicking for 2 hours, the family loaded up their car and were leaving the area when they were stopped by a BLM Ranger. According to a complaint filed by the family's attorney, the BLM Ranger approached the vehicle carrying a shotgun and ordered everyone out of the car using threats of bodily harm laced with profanity. The BLM Ranger fired his shotgun at the car to show that he meant business.

The complaint continues:

Three men got out of the car and asked why they were being stopped. They asked if it was for fishing without licenses, but they were never asked for their fishing licenses. When one man and the women and children tried to leave, the BLM Ranger then maced the driver and handcuffed him. The driver's mother tried to help her son but was knocked to the ground by the Ranger who then stomped on her leg before handcuffing her.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship. I oppose this unusual and unlawful assumption of regulatory powers.

After handcuffing the mother the BLM Ranger went back to the driver and sprayed him again in the face with mace. All this time the children were crying and the Ranger yelled at them to shut up. According to the complaint the BLM Ranger said he was going to blow their—expletive deleted—heads off.

It gets worse. When one of the men picked up one of the children to comfort him, the BLM Ranger put his shotgun to the child's head and ordered the man to put the child down. Two other BLM Rangers allegedly arrived and began waving their weapons around as well. The BLM Rangers refused to say why they had stopped the family in the first place. The adults were incarcerated and the BLM Ranger did not notify the Attorney General as they are required to do. Although records at the Santa Fe Jail indicate six adults were arrested on charges of assault and hindering a Federal employee, a U.S. magistrate released all those jailed because the BLM did not produce a written complaint and no formal charges were made. To this day the family still has no idea why they were arrested.

Remember these are Federal public land management employees, who are committing these atrocious acts. It is not the Federal Bureau of Investigation, nor the Bureau of Alcohol Tobacco and Firearms, or any other law enforcement agency.

It becomes very evident that these power-hungry bureaucracies have designated themselves unconstitutional police powers, without having proper authority or training. The agents are turning into bullies with little respect for public safety or property.

Mr. Speaker, no longer are Americans free, but they are chained to the dictatorship of bureaucratic monsters. It is time for Congress to stand up for its constitutional rights and the protection of the American people.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Nebraska [Mr. CHRISTENSEN] is recognized for 5 minutes.

[Mr. CHRISTENSEN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

EPA OFFERS MORE REGULATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. SHIMKUS] is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, according to the Environmental Protection Agency, the air in this Nation is getting cleaner. Major metropolitan areas are experiencing fewer and fewer days of dirty air, and it is time to thank the EPA for a job well done. In fact, according to the EPA, in almost every major city in America, air pollution levels have been dropping. Nationally since the EPA was established, the combined total of all causes of dirty air have decreased by 29 percent. This reduction occurred even as the Nation's population has grown by 28 percent, people drove more than twice as many miles, and the economy doubled in size.

Our Nation is on the right track to cleaner air. But if you talk to the EPA, you would think the sky was falling. This agency has proposed tightening the standards for ozone and particulate matter even more. This new standard, which may take effect without congressional approval, will not clean the air faster. In fact, it will cost the American economy jobs, erode local tax bases and provide nominal positive health effects. Our Nation does not need new regulations which may force people to car pool to work and increase regulations on our Nation's industries and family farms.

Our Nation needs regulations that are based on sound science, not emotionally driven, feel-good politics. Indeed the scientific community is not unified in its support of these new regulations. While the EPA has a study that claims it can save thousands of lives with these new rules, the National Institute of Environment Health Sciences, another government agency, came to the conclusion that high rates of pollution do not increase rates of asthma. This information directly contradicts the fundamental basis for the new regulation.

In addition, the EPA's own scientific advisory board, which is made up of industry, academic and medical experts, told the EPA that its new standard for particulate matter, quote, "does not provide a scientifically adequate basis for making regulatory decisions for the setting of National Ambient Air Quality Standards and related control of particulate matter in the Clean Air Act," end quote.

We must also ask ourselves why, when the air is getting cleaner in America, the number of people being admitted to hospitals with respiratory complications are increasing? Why is a good thing having a bad effect?

Our Nation needs regulations that do not needlessly destroy jobs. Five of the 19 counties which I represent rely on

coal as a substantial part of their economies. The coal industry has been hit hard by the EPA and stands to be eliminated in southern Illinois if stricter standards are implemented. Unemployment levels in some of my counties would climb even higher than the current 7, 8 to 9 percent that they are now. Not only would these new regulations mean more jobs lost in areas already suffering, but prices on consumer goods will go up as well. Conservative estimates on the direct cost of this regulation on Americans will be around \$10 billion every year in higher costs for cars, farm equipment, electricity, and countless products that Americans rely on every day for their well-being.

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Mr. Speaker, as a newly elected Member of Congress, I can say that I am truly amazed and disappointed that the EPA would impose such high costs on the American people without little benefit. Our Nation's air is getting cleaner, the economy is growing, and the unemployment averages on the national level are at an all time low. Controversy surrounds the EPA studies, and all they can do is offer more regulations.

Mr. Speaker, it seems that the EPA is more interested in political agendas and self-preservation than in creating good national policy.

GOVERNMENT IS TOO BIG AND COSTS TOO MUCH

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

Mr. BRADY. Mr. Speaker, working Americans often ask today, "Why can't we make ends meet like our parents did? Why does it take a two-income family to provide even a basic quality of life for our families?"

President Ronald Reagan had a clear answer. Government is too big and costs too much. I would add that today we also have a government that regulates too much. Excessive regulation is a hidden tax on families and on our businesses. Compliance costs are estimated to be \$6,000 for each American household, \$6,000 in costs in regulation for American households.

If you couple taxes, if you add to it regulations, the average American worker is working until July 9 to pay all the costs associated with government. Excessive regulation crushes small business, the engine of our job creation, and today one of the most pervasive fears among America's small businessmen is that they will fail to comply with some obscure government regulation and be forced to shut down.

In 1995, President Clinton convened a conference on small business, asked them to meet in our capital. More than 1,600 attended. The No. 1 concern that they registered, they were overregulated and had too much government paperwork to comply with.

According to our Small Business Administration, the cost of regulation, of paperwork and of tax law compliance is about \$5,000 per worker. It is even greater for smaller firms. Regulation puts a brake on our small business job creation, it puts a brake on the entrepreneurial spirit which is the promise of America.

An example of unnecessary regulation, as Congressman SHIMKUS just described, are the new proposed EPA air quality regulations that Carol Browner recently announced. They deal with ozone and particulate matter, and if adopted, these stricter standards mean that many communities that meet existing standards will be redesignated as nonattainment areas. Other communities who spent millions to control these types of pollution will be told they must now do it another way. It has no scientific basis, it has questionable benefits. The regulations though will have a dramatic impact on our families in Texas, where I live, and across America.

This new regulatory burden is an unproven, untested science experiment based on the premise that if an apple a day is good for you, then a bushel a day must be better.

Regulations have good intent, everyone supports clean air and clean water. Everything looks good on paper, but it is how it works in real life that affects you and I. The answer is to move the Federal Government closer to the customers they have served to initiate a cost-benefit analysis so we know what this costs, ensure that regulatory actions are based on sound science that we agree upon, that we have a budget within regulation that puts a ceiling on the cost of regulation to the American economy, and we have to initiate sunset review. That means put an expiration date on every regulation, on every program, on every agency, commission, and council, where they go out of existence unless they can prove their value and their worth to us today.

The bottom line is that American families and American businesses need a break from our Federal Government. We should restore common sense to our Government and remove the barriers to free enterprise and job creation. We have that opportunity in this session, and we need to take advantage of it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

[Mr. GOSS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

IMPORTED PRODUCE LABELING ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. BONO] is recognized for 5 minutes.