

RIF's to circumvent veterans' preference. Section two of the bill will make it more difficult to design RIF's in this way and will improve a veterans' right to transfer to another position through priority placement within the downsizing agency or at another Federal organization.

The most important provision, in my opinion, is the creation of a redress mechanism for those who feel their rights under veterans' preference have been violated. The bill provides that a veteran may file a complaint with the Secretary of Labor within 60 days of the alleged violation. The Department of Labor's Veterans Employment and Training Service [VETS] will have the responsibility to investigate the complaint within 60 days. If VETS is unable to resolve the complaint or has not completed action within 60 days, the veteran may file a complaint with the Merit Systems Protection Board [MSPB]. The Board has 120 days to complete its work. At any time after that, the veteran may file a complaint in Federal district court.

Equally important, the veteran may seek "make whole" relief for back pay and liquidated damages equal to back pay if the violation is found to be willful. The bill also makes violation of veterans' preference a "prohibited personnel practice" and makes any individual guilty of such violations subject to disciplinary action.

For many years, large parts of the Federal Government have been exempt from veterans' preference. The bill will extend this preference to nonpolitical and non-senior executive service jobs at the White House, Congress, and much of the judicial branch. It is long past the time when Congress, the White House, and the judiciary do their part in hiring veterans.

Next, the bill will require the Federal Aviation Administration [FAA] to implement veterans' preference in any RIF. Currently, the FAA is only required to follow veterans' preference in hiring.

Finally, the bill extends veterans' preference to the troops serving in Bosnia, Croatia, and Macedonia. These fine young American men and women are on the front line in a very dangerous area and they deserve the advantages of veterans' preference.

Mr. Speaker, this bill is the most significant improvement in veterans' preference in my memory and it deserves the strong support of this House. I urge my colleagues to support H.R. 240.

Mr. BUYER. Mr. Speaker, I want to thank my colleague from Florida for working as hard as he has on this legislation. I also appreciate the cooperation we've had from our colleagues on the other side of the aisle on H.R. 240.

Veterans' preference and its implementation in the Federal work force are issues that cause me great concern. We need effective and comprehensive enforcement of preference laws and regulations.

Federal agencies have long abused veterans' preference in hiring, promotion, and retention. I view the entrenched bureaucracy as the main source of the problem. There are many hiring managers that would like to see veterans go away.

They resent a veteran's presence in an organization for any number of reasons. Maybe it's because these managers didn't serve and are embarrassed by the presence of those who did. Maybe it's because they have other

diversity goals which they believe take precedence over veterans.

Our career civil servants must be made to follow the law, and their political bosses should be educated to watch closely for these unacceptable personnel practices.

The American people understand the nature of the sacrifices made for them by their veterans, and understand why veterans deserve preference—especially those disabled in the performance of their duties.

The Nation has a history of helping veterans returning to the work force and working successfully to place them in jobs, dating back to at least the post-Revolutionary War era when land grants were given in return for military service.

Veterans' preference must remain the cornerstone in hiring, promotion, and retention. Veterans' status is blind as to race, gender, age, religion, and other differences that make this Nation a melting pot. We are not arguing against diversity, but we do believe that veterans' preference must remain first among the priorities of Federal managers.

There is no excuse for hiring managers to develop ways around the hiring or retention of veterans in their employ.

Currently, there is no effective means by which a veteran may air a preference grievance, especially if the veteran is not hired. How then, are we to hold managers accountable for the provisions of law giving preference to qualified veterans?

The redress issue is at the core of the Veterans Employment Opportunity Act of 1997 and will help our veterans without harming other Federal workers.

As long as we continue to have conscientious lawmakers willing to address veterans' preference, we remain confident that we can take the corrective actions necessary to ensure its future health as a viable program for veterans who have faithfully served. I urge my colleagues to support the measure.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Florida [Mr. MICA] that the House suspend the rules and pass the bill, H.R. 240, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. MICA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 240.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### ELECTION OF MEMBER TO COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

Mr. MICA. Mr. Speaker, by direction of the Republican Conference, I offer a

privileged resolution (H. Res. 108) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 108

*Resolved*, That the following named Member be, and he is hereby, elected to the following standing committee of the House of Representatives:

Committee on Government Reform and Oversight: Mr. Portman.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### BIENNIAL REPORT ON SCIENCE AND TECHNOLOGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Science:

*To the Congress of the United States:*

A passion for discovery and a sense of adventure have always driven this Nation forward. These deeply rooted American qualities spur our determination to explore new scientific frontiers and spark our can-do spirit of technological innovation. Continued American leadership depends on our enduring commitment to science, to technology, to learning, to research.

Science and technology are transforming our world, providing an age of possibility and a time of change as profound as we have seen in a century. We are well-prepared to shape this change and seize the opportunities so as to enable every American to make the most of their God-given promise. One of the most important ways to realize this vision is through thoughtful investments in science and technology. Such investments drive economic growth, generate new knowledge, create new jobs, build new industries, ensure our national security, protect the environment, and improve the health and quality of life of our people.

This biennial report to the Congress brings together numerous elements of our integrated investment agenda to promote scientific research, catalyze technological innovation, sustain a sound business environment for research and development, strengthen national security, build global stability, and advance educational quality and equality from grade school to graduate school. Many achievements are presented in the report, together with scientific and technological opportunities deserving greater emphasis in the coming years.

Most of the Federal research and education investment portfolio enjoyed bipartisan support during my first Administration. With the start of a new Administration, I hope to extend this partnership with the Congress across the entire science and technology portfolio. Such a partnership to stimulate

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 them—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.