

to face responsibility for actions that amount to an act of war. This is a blatant break of the international order stipulating that sovereign governments acknowledge their own actions—thus opening up to United Nations intervention as well as other forms of crisis management and containment by the international community. While such international intervention may not be welcome in Islamabad, or elsewhere for that matter, this is the way the modern world works: The acknowledged responsibility and accountability of sovereign governments are the cornerstones of international relations and are thus the key to preventing all out chaos in an already volatile world. Indeed, governments that internationally break away from this posture are labeled rogue and are shunned by the international community.

3. Using Pakistani-controlled Islamist terrorists in a war-by-proxy against India, presently waged mainly in Kashmir. The kind of terrorism Pakistan is blatantly using against India in pursuit of primary and principal interests of the state has long been considered unacceptable and illegal by the international community. The Kargil crisis and the ensuing marked intensification of Islamist terrorism throughout Kashmir constitute an unprecedented escalation of Islamabad's continued sponsorship of, and reliance on, terrorism to further national strategic objectives. Even in the aftermath of the Kargil crisis, Islamabad is yet to demonstrate any inclination to stop its war-by-proxy against India.

By stressing the imperative for a "face saving" exit for Nawaz Sharif, the Clinton Administration in effect went along with Islamabad's lies—thus covering up Islamabad's rogue-state actions. The Clinton Administration in essence rewarded Pakistan for its aggression and nuclear blackmail, as well as blatant violation of previously signed international agreements (most notably the 1972 Simla Agreement). Taken together, the "solution" to the Kargil crisis forwarded by the Clinton Administration and the definition of the "Kashmir problem" the US is now committed to help resolve, make a mockery of the most basic norms of international relations and crisis resolution dynamics. As such, the Clinton Administration effectively encourages other rogues and would-be aggressors to pursue their objectives through brinkmanship, blackmail, aggression, and terrorism.

Instead, Pakistan should be recognized as the rogue and terrorism sponsoring state that it now is. Pakistan should be treated accordingly and, given the cynical use of war-by-proxy and nuclear threats for such a long time, dealt with harshly by the international community. This is an urgent imperative for the United States. With several other rogue states accumulating weapons of mass destruction and long-range delivery systems capable of hitting the heart of the United States, as well as sponsoring high-quality terrorists capable of conducting spectacular strikes at the heart of the United States, it is imperative for Washington to ensure that none would dare to use these instruments against the United States, its allies and vital interests. The Clinton administration's "understanding" of, and support for, Islamabad's rogue state behavior and blatant aggression send the opposite message—encouraging rogues and would-be aggressors to dare the United States and harm its interests with impunity.

In contrast, India should be rewarded for the responsibility and self-restraint practiced by

New Delhi. Under the extreme pressure of a foreign invasion—albeit of a limited scope—on the eve of bitterly contested national elections, the Indian government rose to the challenge and placed the national interest ahead of political expediency. In so doing, New Delhi behaved like the major democratic power India has long claimed to be. India should therefore be recognized and treated as the great power it is by the United States and the rest of the international community.

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**COLORADO BLUESKY ENTERPRISES IS COMMITTED TO HELPING OTHERS**

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**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 29, 1999*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to recognize the innovation and dedication of Colorado Bluesky Enterprises, Inc., of Pueblo, Colorado. The services which this institution provides for the developmentally disabled citizens of Pueblo and Pueblo County are both noble and commendable.

Formerly known as Pueblo County Board for Development Disabilities, Inc., Colorado Bluesky Enterprises was established in March of 1964. As one of 20 Community Centered Boards which contracts with the state of Colorado, Colorado Bluesky provides services for people with developmental disabilities. CBE first began its work in an old former school building with only 12 students, CBE has grown to serve several thousand people. Currently, CBE dedicates time to working with the 750 citizens with developmental disabilities.

CBE provides numerous services and opportunities for the individuals whom rely on its benefits. Through an array of day programs for people of all ages, job training, community participation, and OBRA day services for individuals in nursing homes, CBE strives to make a better life for the people of Pueblo.

Colorado Bluesky Enterprises provides personal care alternatives such as host home services, staffed personal care alternatives, and drop in supports. CBE also works to ensure affordable housing for families with low incomes.

I am grateful for the dedication and courageous efforts of Colorado Bluesky Enterprises, and I would like to congratulate them on 35 years of commitment to helping others. On behalf of all of those it has served, I would like to thank CBE and offer recognition of their dedication to the Pueblo community.

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**TAXPAYER'S DEFENSE ACT**

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**HON. GEORGE W. GEKAS**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 29, 1999*

Mr. GEKAS. Mr. Speaker, today I join with Mr. HAYWORTH to introduce the Taxpayer's Defense Act. This bill simply provides that no federal agency may establish or raise a tax without the approval of Congress.

One of the principles on which the United States was founded was that there should be no taxation without representation.

In The Second Treatise of Government, John Locke said, "[I]f any one shall claim a power to lay and levy taxes on the people, \* \* \* without \* \* \* consent of the people, he thereby \* \* \* subverts the end of government." Consent, according to Locke, could only be given by a majority of the people, "either by themselves or their representatives chosen by them." The Boston Tea Party celebrated Americans' opposition to taxation without representation. And the Declaration of Independence listed, among the despotic acts of King George, his "imposing Taxes on us without our Consent." First among the powers that the Constitution gave to the Congress, our new government's representative branch, was the power to levy taxes.

The logic of having only Congress establish federal taxes is clear: only Congress considers and weighs every economic and social issue that rises to national importance. While any faction, agency, or sub-agency of the government may view its own priorities as paramount, only Congress can decide which goals are of the importance to merit spending taxpayer dollars. Only Congress can determine the level at which taxpayer dollars should be spent.

The American ban on taxation without representation has not been seriously challenged during our nation's history. The modern era of restricted federal budgets, however, threatens to erode the essential principle of "no taxation without representation." In ways that are often subtle or hidden, federal agencies are taking on—or receiving from Congress—the power to tax. Federal agency taxes pass the costs of government programs on to American consumers in the form of higher prices. These secret taxes tend to be deeply regressive and they create inefficiency in the economy. They take money from everyone without helping anyone.

The worst example of administrative taxation is the Federal Communications Commission's Universal Service Tax. "Universal service" is the idea that everyone should have access to affordable telecommunications services. It originated at the beginning of the century when the nation was still being strung with telephone wires. The Telecommunications Act of 1996 included provisions that allowed the FCC to extend universal service, ensuring that telecommunications are available to all areas of the country and to institutions that benefit the community, like schools, libraries, and rural health care facilities.

Most importantly, the Act gave the FCC the power to decide the level of "contributions"—taxes—that telecommunications providers would have to pay to support universal service. The FCC now determines how much can be collected in taxes to subsidize a variety of 'universal service' spending programs. It charges telecommunications providers, who pass the costs on to consumers in the form of higher telephone bills. The FCC recently nearly doubled the tax to \$2.5 billion dollars per year, and Clinton Administration budgets have projected a rise to \$10 billion per year. Mr. Speaker, this administrative tax is already out of control.

The FCC's provisions for universal service have many flaws. Among them are three 'administrative corporations' set up by the FCC. The General Accounting Office determined that the establishment of these corporations was illegal and the FCC has collapsed them

into one, no less illegal corporation. The head of one of these corporations was originally paid \$200,000 dollars per year—as much as the President of the United States. Reports have come out about sweetheart deals between government contractors and their State government friends, who have access to huge amounts of easy universal service money.

This FCC prompted our inquiry into this issue. As our study continues, it reveals that a number of federal agencies have been given, or discovered on their own, the power to tax.

Congress has given taxing authority to the Nuclear Regulatory Commission and the U.S. Department of Agriculture. Because these taxes are within statutory parameters, we have less concern with them than others, but they are still taxes and an important principle is at stake: no taxation without representation. The Constitution gives the taxing power only to Congress. In practice, we see a direct correlation between an agency having taxing authority and the agency overspending taxpayer dollars. Congress must retain the power of the purse.

More egregious examples are those where agencies have spontaneously discovered the power to tax. We categorize the FCC's telecommunications tax as such, and note two taxes, past and proposed, on Internet domain name registration. Mr. Speaker, just when we thought we had protected the internet from taxation with Internet Tax Freedom Act, we discover new taxes right under our noses. The first, sponsored by the National Science Foundation, collected more than \$60 million before a federal judge put a stop to it. The second, under the aegis of the Commerce Department, proposes to charge \$1 per Internet domain name per year. I would like to know what Commerce Department official stands to be voted out of office if he or she sponsors an increase in this tax.

Finally, we note with dismay that the Administration's electricity legislation proposes a tax as high as \$3 billion to be imposed by the Secretary of Energy. Federal agency taxation appears to be a popular trend in some circles.

Washington special interest groups seem to be able to unite around one thing: taking money from taxpayers. Mr. Speaker, special interests who feed at the federal trough are already geared up to accuse the Republican Congress of cutting funding for education and health care if any attempt is made to rein in the FCC. They will cynically frame the issue as a matter of federal entitlements for sympathetic causes and groups.

But the most sympathetic group is the American taxpayer, whose money is being taken, laundered through the Washington bureaucracy, and returned (in dramatically reduced amounts) for purposes set by unelected Washington poohbahs. This is why we must require the FCC, and all agencies, to get the approval of Congress before setting future tax rates.

Should tax dollars be used for federal programs? In what amounts? Or should Americans spend what they earn on their own, locally determined priorities? Requiring Congress to review any administrative taxes would answer this question.

My bill would create a new subchapter within the Congressional Review Act for mandatory review of certain rules. The portion of any agency rule that establishes or raises a tax

would have to be submitted to Congress and receive the approval of Congress before the agency could put it into effect. In essence, the Act would disable agencies from establishing or raising taxes, but allow them to formulate proposals for Congress to consider under existing rulemaking procedures. It is a version of a bill introduced and ably advocated for by Mr. HAYWORTH. He joins me today as a leading cosponsor of this bill.

Once submitted to Congress, a bill noting the taxing portion of a regulation would be introduced (by request) in each House of Congress by the Majority Leader. The bill would then be subject to expedited procedures, allowing a prompt decision on whether or not the agency may put the rule into effect. The rule could take effect once a bill approving it was passed by both Houses of Congress and signed by the President. If the rule were approved, the agency would retain power to reverse the regulation, lower the amount of the tax, or take any otherwise legal actions with respect to the rule.

Mr. Speaker, the cry of "no taxation without representation" has gone up in the land before, and today we are hearing it again. Congress must not allow a federal agency comprised of unelected bureaucrats to determine the amount of taxes hardworking Americans must pay. While preserving needed flexibility, the Taxpayer's Defense Act will allow Congress alone to determine the purposes to which precious tax dollars will be put.

#### TAXPAYER'S DEFENSE ACT

**HON. J.D. HAYWORTH**

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 29, 1999*

Mr. HAYWORTH. Mr. Speaker, the Taxpayer's Defense Act, which Mr. GEKAS and I are introducing today, would establish a system to allow Congress, and only Congress, to approve new taxes before they take effect. Before an administrative tax could be imposed on the American people, an agency would submit the rule or regulation to Congress. The Majority Leaders in both the House and Senate would introduce the bill by request. The bill would then be subjected to expedited procedures and the rule could not go into effect until an approval bill was passed by the House and Senate and signed by the President. It is important to note that this legislation would only affect future administrative taxes, not those currently in effect.

I believe the constitutional precedent for this legislation is clear. Article I, Section 8 of the Constitution gives Congress the "power to lay and collect taxes." It doesn't give unelected, unaccountable bureaucrats this power; it gives only Congress this power. Moreover, the Constitution's "separation of powers" doctrine ensures that each branch of government would have one specific duty. By delegating legislative powers to unelected officials, we are allowing the executive branch to become both the maker and enforcer of our nation's laws, which is in direct violation of the Founders' intent. By enacting the Taxpayer's Defense Act, Congress would once again restore accountability to federal taxation and reduce the hidden taxes that are being imposed on the American taxpayer.

While administrative taxation hasn't been used often, it is used increasingly to circumvent the legislative process. One of the most troubling administrative taxes is the Federal Communications Commission tax on long distance telephone service, which is also known as the Gore tax. Every telephone caller in the United States is subjected to this tax, which raises approximately \$2.5 billion annually. Other regulatory agencies are also doing an end run around Congress, including the Commerce Department's \$1 tax on every Internet domain name. The National Science Foundation has tried a similar approach by authorizing a \$30 tax on registration of domain names on the Internet. Fortunately, a federal judge ended this illegal tax, but not before taxpayers shelled out \$60 million. The U.S. Department of Agriculture, through the Agricultural Marketing Service, has also gotten into the game with taxation of food commodities in order to fund advertising a promotion of commodities.

The point is simple: Americans can't hold unelected executive branch employees accountable for administrative taxation. However, Americans can hold their representatives accountable for these taxes if we once again require Congress to vote on all of these administrative taxes. The Taxpayer's Defense Act would achieve this goal.

In December 1773, American colonists boarded three British ships in Boston harbor and emptied chests of tea into the sea. This event, which we all know as the Boston Tea Party, celebrated American opposition to taxation without representation. That is why the Constitution specifically states that Congress shall have the power to tax. I urge this Congress to once again make Congress accountable for all taxation by passing this important legislation.

#### EMBRYONIC STEM CELL RESEARCH: UNLAWFUL, UNACCEPTABLE, UNNECESSARY

**HON. BOB SCHAFER**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 29, 1999*

Mr. SCHAFER. Mr. Speaker, President Clinton's National Bioethic Advisory Commission recommended the United States government fund the practice of killing human embryos for research purposes. On top of the release of the Commission's report, the Health and Human Services General Counsel has advocated the use of federal funds in using the destroyed embryos for research purposes. Mr. Speaker, funding destructive embryonic research with tax dollars is unlawful, unacceptable to the American people, and unnecessary since recent advancements reveal viable stem cell alternatives in adults.

Mr. Speaker, in 1995 Congress successfully added the Dickey/Wicker amendment to FY 1996 Labor/HHS appropriations bill. Each year since then, Congress has reaffirmed this crucial amendment as part of our law. The Dickey/Wicker amendment prohibits the use of federal funds for the creation of a human embryo for research purposes or for research in which an embryo is "destroyed, discarded or knowingly subjected to risk of injury or death." While HHS has tried to rewrite the current law