

OPENING STATEMENT OF CONGRESSMAN PAUL GOSAR

Congressional Field Hearing: E.P.A. and I.R.S. Abuse:
Bureaucrats Out of Control?

August 22, 2013—Mesa, Arizona

Good Afternoon.

First, thank you for coming here today. I want to thank my colleagues Congressmen Matt Salmon, Trent Franks and David Schweikert, for taking time out of this August work session to take part in today's hearing.

I want to thank our witnesses who have taken time out of their schedules from their jobs and businesses to provide to us important information about how our Federal Government is making decisions that impact everyone here in Arizona.

We have a lot of ground to cover today, so I apologize in advance that there will be time limits on testimony in order to make sure we give everyone a chance to testify.

For some time now my colleagues and I have been watching a storm cloud from Washington, D.C. hover over Arizona. Policies that make no sense to us here, indeed, policies that inflict harm on the people, keep getting implemented even when Congress has not authorized the policies.

We start with a basic premise—and we need to unfortunately—that Congress passes laws and sets the policies for the country—not the President. The President has one job duty under our Constitution—to faithfully execute the laws passed by Congress.

What we have seen, however, is an imperial presidency, an Administration that ignores laws it does not like or “creates” policies with the effect of law it does like. This Administration has chosen to ignore deadlines implementing the health care act, it has chosen to ignore immigration laws, and on and on. Article II, Section 3, of the Constitution states that the president "shall take Care that the Laws be faithfully executed." This is a constitutional duty. It is not a recommendation. The President has no discretion about whether to enforce a law or to create a law.

I bring this out in the context of today's hearing because the Obama Administration, through the EPA, is ignoring aspects of the Clean Air Act that requires the federal government to work with state governments. The law is clear that that air pollution control and prevention is the primary responsibility of the States and local government. Further, the EPA is now implementing laws in secret that Congress has rejected, specifically, Cap and Trade.

These unconstitutional acts have historical precedence. Professor Michael McConnell noted that English monarchs "asserted a right to dispense with parliamentary statutes they disliked." Thus, "The very first provision of the English Bill of Rights of 1689—the most important precursor to the U.S. Constitution—declared that "the pretended power of suspending of laws, or the execution of laws, by regal authority, without consent of parliament, is illegal."

"To make sure that American presidents could not resurrect a similar prerogative, the Framers of the Constitution made the faithful enforcement of the law a constitutional duty."

Today we will hear testimony from witnesses about how the EPA is ignoring its obligation to the States on the Clean Air Act. We will hear testimony about the Navajo Generating Station and how the EPA is ignoring tribal trust obligations to the Navajo and the Hopi—federal trust duties to maximize the value of tribal lands, not harm them.

We will also hear about the EPA imposing, in secret, Cap and Trade, and doing so by threats and intimidation. We will also hear from others, such as Mr. Trussell, about how the EPA is attempting to classify coal ash from power plants as a Hazardous Waste. Congress has not authorized this. Nor would it since coal ash is hardly hazardous and in fact is a very useful product for the concrete industry.

We will hear how the EPA, under the Clean Water Act, is attempting to assert jurisdiction over dry areas even though Congress only gave the EPA jurisdiction over "navigable" waters.

We will also address the IRS. By now we have learned how the Obama Administration used the IRS to target what it considers political enemies, and what the rest of the nation calls patriotic Americans. Using the most feared government agency, the IRS, to harass and intimidate American citizens and taxpayers, is an abuse that cannot stand.

I proposed a new law, the IRS Anti-Abuse Act, H.R 2025. My colleagues here all joined me on that bill. This legislation makes it illegal to discriminate against organizations and individuals based on political affiliation and ideology. Outgoing IRS Commissioner Steven Miller insisted that the unfair targeting of conservative groups was "absolutely not illegal." This legislation would make that action illegal. This language was recently passed overwhelmingly, as part of a package of proposals to reign in big government, in the U.S. House

Before we recessed, the last thing we all did was pass the Keep the IRS Off Your Health Care Act of 2013, which passed 232-185. The four of us here were the only Arizona representatives

to vote for this. This bill was passed because we do not trust the IRS to handle your medical records and medical privacy or to implement any part of Obamacare.

My hope is that we listen today and gather information. We will submit the testimony and comments to the appropriate agencies. We will take what we learn here today back to Washington, D.C. and take action, as best we can, to rectify the wrongs and stop the bureaucrats in D.C. from going outside the laws.

Thank you again and I look forward to hearing more from everybody.