



**CITIZENS
FOR A
SOUND
ECONOMY**

1250 H Street, NW
Suite 700
Washington, DC
20005-3908

202 783-3870
Fax: 202 783-4687

e-mail: cse@cse.org
<http://www.cse.org>

LEAD POISONING EXPENSE RECOVERY ACT

Statement of Citizens for a Sound Economy

By introducing the "Lead Poisoning Expense Recovery Act," Senators Torricelli and Reed have continued an alarming trend whereby constitutional governance is supplanted by policy-making through "recoupment" litigation.

The Torricelli-Reed legislation would effectively confer upon federal judges and executive branch officials an exclusive authority to make public policy with respect to lead paint. Moreover, the "compensation" that the government is allowed to seek under the Torricelli-Reed legislation is nothing more than a revenue-generating scheme. Thus, the Torricelli-Reed bill would usurp Congress's constitutional authority to both regulate and tax a particular industry.

Moreover, because there is no limit to the number of industries that could be targeted by government recoupment suits, Congress should be mindful of implications of such a precedent. For example, the National Gambling Impact Study Commission has just released a report documenting the "social costs"—in the form of gambling addiction and the crime to which it often leads—of state-run lotteries. To the extent that the federal government bears those costs, should it now be permitted to sue the states to recover its expenses? The Torricelli-Reed bill would place Congress on a very slippery slope indeed.

*The Voice
of Consumers
is Free
Enterprise*

2076396932