

local governments for laws that we pass. However, I will reserve judgment on final passage of the bill until the amendment process has been completed.

Unrelated to the bill, but very timely, I plan to offer a Sense of Senate Resolution that the campaign of violence against women's health clinics must end. My amendment calls on the Attorney General to take all necessary steps to protect reproductive health clinics and their staff. I know all of my colleagues share my views that this violence is deplorable.

U.S. SENATE,  
COMMITTEE ON THE BUDGET,  
Washington, DC, November 29, 1994.

Hon. WILLIAM V. ROTH, Jr.,  
Hon. JOHN GLENN,  
*Committee on Governmental Affairs, U.S. Senate, Washington, DC*

DEAR BILL AND JOHN: We expect the Senate to consider legislation early in the session regarding Federal mandates on State and local governments and the private sector. We may initiate such legislation in the Budget Committee and we want to work with you to assure that any state, local, or private sector mandate legislation moves quickly and is a constructive improvement to the congressional budget process.

Such legislation raised budget and economic issues that the Budget Committee must confront in writing a federal budget each year. Moreover, most versions of this legislation contain a significant expansion in the Congressional Budget Office's responsibilities. In the past, our committees have worked jointly on such legislation. In 1981, our two committees both reported legislation that led to the enactment of the State and Local Government Cost Estimate Act.

Some versions of this legislation may be referred to the Budget Committee under the standing order governing referral of budget-related legislation. If the Budget Committee does not report such legislation and it includes provisions affecting the Congressional Budget Office or the congressional budget process, such legislation could be in jeopardy under section 306 of the Budget Act.

We want to work with you to assure such legislation is considered expeditiously. Should you have any questions, please to do no hesitate to contact us or our staff (Bill Hoagland at 4-0539 and Bill Dauster at 4-3961).

Sincerely,

JAMES EXON,  
PETE V. DOMENICI.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. GRAMM, Mr. GRASSLEY, and Mr. NICKLES):

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the Act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

By Mr. FEINGOLD (for himself and Mr. KOHL):

S. 192. A bill to prohibit the use of certain assistance provided under the Housing and Community Development Act of 1974 to encourage plant closings and the resultant relocation of employment, and for other pur-

poses; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CAMPBELL:

S. 193. A bill to establish a forage fee formula on lands under the jurisdiction of the Department of Agriculture and the Department of the Interior; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN (for himself, Mr. HOLINGS, Mr. CRAIG, Mr. HATCH, Mr. HELMS, Mr. ROBB, Mr. MCCONNELL, Mr. COATS, and Mr. COVERDELL):

S. 194. A bill to repeal the Medicare and Medicaid Coverage Data Bank, and for other purposes; to the Committee on Finance.

By Mr. MURKOWSKI:

S. 195. A bill to amend section 257(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 to modify the treatment of losses from asset sales; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MCCAIN:

S. 196. A bill to establish certain environmental protection procedures within the area comprising the border region between the United States and Mexico, and for other purposes; to the Committee on Foreign Relations.

By Mr. BUMPERS:

S. 197. A bill to establish the Carl Garner Federal Lands Cleanup Day, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mrs. FEINSTEIN, Mrs. HUTCHISON, Mr. KOHL, Mr. DORGAN, and Mr. CONRAD):

S. 198. A bill to amend title XVIII of the Social Security Act to permit medicare select policies to be offered in all States, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself and Mr. MCCAIN):

S. 199. A bill to repeal certain provisions of law relating to trading with Indians; to the Committee on Indian Affairs.

By Mr. BRADLEY (for himself, Mr. KOHL, and Mr. SIMON):

S. 200. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of any projectile that may be used in handgun and is capable of penetrating police body armor; to the Committee on the Judiciary.

By Mr. WARNER (for himself and Mr. ROBB):

S. 201. A bill to close the Lorton Correctional Complex, to prohibit the incarceration of individuals convicted of felonies under the laws of the District of Columbia in facilities of the District of Columbia Department of Corrections, and for other purposes; to the Committee on the Judiciary.

By Mr. MACK (for himself, Mrs. HUTCHISON, Mr. COVERDELL, and Mr. LOTT):

S. 202. A bill to provide a fair, nonpolitical process that will achieve \$41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on Governmental Affairs.

By Mr. KENNEDY (for himself and Mr. WELLSTONE):

S. 203. A bill to amend the Fair Labor Standards Act of 1938 to increase the Federal minimum wage, to establish a Commission to conduct a study on the indexation of the Federal minimum wage, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. MOYNIHAN:

S. 204. A bill to provide for a reform of the public buildings program, and for other pur-

poses; to the Committee on Environment and Public Works.

By Mrs. BOXER:

S. 205. A bill to amend title 37, United States Code, to revise and expand the prohibition on accrual of pay and allowances by members of the Armed Forces who are confined pending dishonorable discharge; to the Committee on Armed Services.

By Mr. MCCAIN (for himself and Mr. KOHL):

S. 206. A bill to give the President line-item veto authority over appropriation Acts and targeted tax benefits in revenue Acts; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. MACK (for himself, Mrs. HUTCHISON, and Mr. LOTT):

S. 207. A bill to provide a fair, nonpolitical process that will achieve \$41,000,000,000 in budget outlay reductions each fiscal year until a balanced budget is reached; to the Committee on the Budget and the Committee on Governmental Affairs, jointly.

By Mr. DASCHLE (for himself and Mr. EXON):

S. 208. A bill to require that any proposed amendment to the Constitution of the United States to require a balanced budget establish procedures to ensure enforcement before the amendment is submitted to the States; to the Committee on the Budget and the Committee on Governmental Affairs, jointly, pursuant to the order of August 4, 1977, with instructions that if one Committee reports, the other Committee have thirty days to report or be discharged.

By Mr. SIMON:

S.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to allow the President to reduce or disapprove items of appropriations; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. HATFIELD:

S. Res. 38. An original resolution authorizing expenditures by the Committee on Appropriations; from the Committee on Appropriations; to the Committee on Rules and Administration.

By Mr. MURKOWSKI:

S. Res. 39. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. MCCAIN:

S. Res. 40. An original resolution authorizing expenditures by the Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. HELMS:

S. Res. 41. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. DASCHLE:

S. Res. 42. A resolution to make minority party appointments to a Senate committee under paragraph 3(c) of rule XXV for the 104th Congress; considered and agreed to.

By Mr. SPECTER:

S. Res. 43. An original resolution authorizing expenditures by the Select Committee on

Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. COHEN (for himself and Mr. PRYOR):

S. Res. 44. A resolution authorizing expenditures by the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. ROTH:

S. Res. 45. An original resolution authorizing expenditures by the Committee on Governmental Affairs; from the Committee on Governmental Affairs; to the Committee on Rules and Administration.

By Mr. LOTT (for Mr. DOLE):

S. Res. 46. A resolution making majority party appointments to the Ethics Committee for the 104th Congress; considered and agreed to.

S. Res. 47. A resolution designating the Chairpersons of Senate committees for the 104th Congress; considered and agreed to.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. LOTT, Mr. GRAMM, Mr. GRASSLEY, and Mr. NICKLES):

S. 191. A bill to amend the Endangered Species Act of 1973 to ensure that constitutionally protected private property rights are not infringed until adequate protection is afforded by reauthorization of the act, to protect against economic losses from critical habitat designation, and for other purposes; to the Committee on Environment and Public Works.

##### THE FARM, RANCH, AND HOMESTEAD PROTECTION ACT OF 1995

Mrs. HUTCHISON. Mr. President, for generations American farmers have worked to provide food, clothing, and shelter to their families. Farmers and ranchers in Texas and throughout the United States have tilled the soil and cleared the rangeland—and, if they had a good year, they might try to put any money left over back into the land to buy more property.

This land is their wealth—their property, which our Government was formed to protect, just as it protects our homes from burglary and our money in banks from theft.

Our founding fathers acknowledged that private property rights were important. They fought foreign rulers to protect it. The Bill of Rights, drafted after that struggle, says that private property shall not be taken for public use, without just compensation. But, through overly zealous environmental enforcement, this constitutional protection is being watered down.

Last year, the U.S. Fish and Wildlife Service, which enforces the Endangered Species Act, proposed that up to 800,000 acres from 33 Texas counties be designated as critical habitat for the golden-cheeked warbler. This action held up land transfers, construction, home and business lending. With about 300 species in Texas being considered for listing as endangered or threatened, including 8 flies and 12 beetles, landowners in my State may face a very grave problem again soon.

Recent reports about the U.S. Fish and Wildlife's latest Balcones Canyonlands Conservation Plan in Austin, TX, are discouraging. Yesterday, the Interior Department proposed that owners of single-family lots in Travis County that were subdivided before the golden-cheek warbler was listed as an endangered species can apply for a permit to construct a single family home for a fee of \$1,500. Developers are expected to pay even more—up to \$5,500 an acre—to build on land that has not been subdivided yet.

The permit fees, plus \$10 million from Travis County, would be used to add to the 21,000 acres in existing wildlife refuges. Well, the Travis County residents have voted against spending more money on refuges, in 1993 and the Travis County officials were blindsided. They were not even consulted about this proposal to spend \$10 million of Travis County's money, when the people have just voted not to put any more money into wildlife refuges.

Rather than assuring fair compensation for private property when there is a Government taking, the Service's plan would require landowners to pay ransom to the Federal Government—for the privilege of building on a lot which they have already bought to build a house—perhaps the house they have been dreaming of for years. Interior Secretary Bruce Babbitt has stated in the past that he believes private property is an outmoded concept. The Fish and Wildlife Service would say, by regulation, that his views are right. This would essentially repeal the fifth amendment to our U.S. Constitution.

Today, Senators LOTT, GRAMM, GRASSLEY, NICKLES, and I are introducing legislation to stop Government overreaching until we have had time to revise the Endangered Species Act. Congressman LAMAR SMITH is introducing a companion bill in the House.

My bill puts a moratorium on the listing of new endangered and threatened species until reauthorization. Right now the Fish and Wildlife Service is proposing to list a species in the panhandle of Texas—the Arkansas River shiner—that is used for fish bait. Water is scarce in the panhandle; we cannot afford to give fish bait more protection than people. But once the shiner is designated, it will have more right to the water than the panhandle farmers and ranchers and the people of Amarillo, TX. The people have to have a voice.

The bill also puts a moratorium on the designation of critical habitat so that property owners will not lose control of their land. Designating critical habitat puts unjust limits on the use, market value, and transferability of property. The stigma of critical habitat should not be imposed by a government that claims to protect property as a constitutional right.

Finally, the bill puts a moratorium on the requirement that all government agencies consult with the Fish

and Wildlife Service before taking actions, providing permits, or providing funding that may affect an endangered species. This will prevent the Fish and Wildlife Service from further expanding use of the Endangered Species Act to deny FHA or VA mortgages, crop insurance, crop support payments, farm erosion studies, or SBA loans. To be fair, they have not done this yet; so far, it has only been used on large Government projects. But until this year they had not proposed to designate an area larger than the State of Rhode Island as critical habitat. But they did it last year in Texas.

Property owners should not have to fight the Government to build a new home on their land. They should not have to hire lawyers to tell what their rights are or convince bureaucrats that their farming is in compliance with regulations. Farmers in my State should not live in fear of being treated like the farmer in California who was arrested in a Government raid for allegedly harming a kangaroo rat while he was plowing his field. This rat is designated as an endangered species for one reason—its feet are a millimeter longer than other, similar species. There are other alternatives. Instead of seizing land and arresting farmers, we should encourage private landowners to protect species and habitat with tax incentives, and whenever possible relocate threatened species to park lands so it does not encroach on the private property rights nor the ability of a farmer or a rancher to feed his or her family.

Opponents of compensation for takings of property argue the National Government cannot afford it. That argument acknowledges what is happening is in fact unconstitutional. If we want to protect the critical habitat of endangered species, we have to pay for it. James Madison, in the Federalist Papers, made it clear that the purpose of government is to protect private property. He said, "government is instituted no less for protection of property than of the persons of individuals."

If opponents of compensation are truly opposed to this principle, they have a remedy. They can propose an amendment to the Constitution. But until they do and until it is passed, these acts are unconstitutional. We are sworn to uphold the Constitution. Mr. President, we must do it. The actions on this bill will provide the means to do it.

We need to make the real effect of the Endangered Species Act clear to the rulemakers in Washington. Many of them have not even set foot on a farm since their third grade class field trip. It is no wonder that so many of our people spoke in November that "we cannot take the Government harassment." It is no longer about protecting our treasured natural resources from harm. It is about Government taking control of people's land. We must put a