

Congress to specifically authorize any refuges established using the land and water conservation fund. Only 16 of our more than 500 refuges have been specifically established by legislation, and this new requirement could delay and complicate the process of protecting imperiled wildlife. Fortunately, the House will have the opportunity to change this provision by adopting the amendment that will be offered by the gentleman from New York [Mr. NADLER].

Another drawback of the bill is that it would allow up to 15 years to elapse between reviews of the compatibility of fish-dependent and wildlife-dependent recreational uses, whereas other uses would be required to be reviewed at least every 4 years. The long interval for reviewing hunting and fishing could result in the continuation of activities for many years that are detrimental to the conservation of wildlife.

Finally, the bill would authorize expanded military activities and other potentially damaging Federal activities on wildlife refuges, allowing them to be exempted from the protective standards of the National Wildlife Refuge Administration Act.

For all of these reasons, all the major U.S. environmental protection organizations oppose this legislation. They believe that there should be one clear overriding purpose for our wildlife refuges, and that is the conservation of wildlife and natural habitat.

Mr. Speaker, to repeat: We support this rule, which is an open rule. But we urge Members to oppose the legislation itself.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just simply say in response to my esteemed colleague and friend, the gentleman from California [Mr. BEILENSEN], that many of the concerns he has raised on the subject, in fact, will be dealt with in the amendment process, and I, too, am hopeful that we can make some further improvements in this bill through the amendment process and am prepared to do that.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSEN. Mr. Speaker, I have no speakers, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I, too, yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore (Mr. BURTON of Indiana). Pursuant to clause 12 of rule I, the House stands in recess until 2:30 p.m.

Accordingly (at 1 o'clock and 47 minutes p.m.), the House stood in recess until 2:30 p.m.

□ 1430

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MCCREY) at 2 o'clock and 30 minutes p.m.

NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 410 and rule XXIII, the Chair Declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1675.

□ 1431

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] each will control 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, as the author of H.R. 1675, I am pleased that the House is considering this important legislation, which would be the first comprehensive reform of our refuge law since the enactment of the National Wildlife Refuge System Administration Act of 1966.

I am also grateful that the author of that historic law, Congressman JOHN DINGELL, and a number of other distinguished Members including the co-chairman of the House Sportsmen's Caucus, PETE GEREN, and the chairman of the Subcommittee on Fisheries, Wildlife and Oceans, JIM SAXTON, have joined with me in this bipartisan effort. Their contributions and input into this legislation have been invaluable.

Our Nation's Wildlife Refuge System, which was created by President Theodore Roosevelt more than 90 years ago, provides both essential habitat for hundreds of species and recreational opportunities for millions of Americans. At present, the system is comprised of 508 refuges, which are located in all 50 States and the 5 U.S. Territories. These units, which cover some 91 million acres of Federal lands, range in size from the smallest of less than 1 acre to

the largest, the 19.3-million-acre Arctic National Wildlife Refuge.

Regrettably, in recent years the public's confidence in our refuge system has been shaken by arbitrary decisions made by refuge managers; the diversion of funds to other higher profile issues; the elimination of all existing uses on newly acquired lands; lawsuits designed to prohibit certain secondary uses on a refuge; and the lack of either a vision or a comprehensive plan on how our refuge system will be managed in the future.

H.R. 1675 is the product of several years of hard work, countless meetings with various interest groups, and extended negotiations with the Departments of Interior and Defense. The bill was the subject of an extensive public hearing and was favorably reported by voice vote by both the subcommittee and the full Resources Committee, with only 5 Members filing dissenting views.

This legislation is a modest, proactive conservation measure that has been carefully refined to address most of the concerns raised by the Clinton administration.

While I will later discuss the substitute proposal in detail, it is time we had a statutory list of purposes; a definition of what is a compatible use; allow existing wildlife-dependent recreational uses to continue on new refuge lands unless they are found to be incompatible; a conservation plan for each refuge; and clarification that fishing and hunting should be permitted unless a finding is made that these activities are inconsistent with sound fish and wildlife management, the purpose of the refuge, or public safety.

Furthermore, it will strengthen the management of the refuge system and it implements a better, more uniform system-wide planning and compatibility review process. This had been a goal of the environmental community for some time.

While H.R. 1675 does not attempt to solve all of the problems facing our refuges, it will ensure that the system is effectively managed, that essential habitats are protected, and that the American people have an opportunity to fully utilize those Federal lands that are paid for with their tax dollars, their entrance fees, and from purchases of duck stamps.

This is a sound piece of legislation. It is supported by many groups, including the American Sportfishing Association, the California Waterfowl Association, the Congressional Sportsmen's Caucus, the International Association of Fish and Wildlife Agencies, the New Jersey Federation of Sportsmen, the National Rifle Association, and the Wildlife Legislative Fund of America. This bill will ensure that our refuge system has the support of the American people into the 21st century.

Finally, a word of caution. I know there are Members who would like to see H.R. 1675 become a vehicle to solve a whole range of problems in individual

units, including mosquito abatement, public health, and additions or deletions of land from existing refuges. While these changes may have merit, I would hope they would not be offered to this measure but instead the sponsors would allow the Resources Committee to fully review them.

Mr. Chairman, at the appropriate time I intend to engage in a colloquy with the co-author of this bill, JOHN DINGELL, on the issues of open until closed refuge lands and water rights. I am confident that this clarification and the substitute will remove most, if not all, of the confusion about the scope of this measure.

It will also restore the fundamental goals of H.R. 1675, which are to conserve, manage, and recover wildlife and to ensure that Americans have an opportunity to participate in compatible wildlife-dependent recreation.

I urge the adoption of H.R. 1675.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I would certainly support improvement of the National Wildlife Refuge System if it really needed it, but it does not.

Much of the momentum behind this bill has been generated by sporting groups that seek to elevate the role of hunting and fishing off our National Wildlife Refuges. Now, the plain truth is that hunting and fishing are already allowed on more than half of the 508 wildlife refuges and on more than 94 percent of the 92 million acres of the System. I respectfully submit that is a lot of hunting and fishing.

Moreover, President Clinton, far from closing refuges to hunting and fishing, on March 25 issued an Executive order reaffirming the administration's commitment to a diversity of recreation of refuge lands so long as it is compatible with the longstanding primary purpose of the Refuge System—fish and wildlife conservation.

Some were fearful that the administration's settlement of a lawsuit regarding the compatibility of secondary uses of the refuges would result in restrictions on sporting activities. After reviewing more than 1,000 activities throughout the System, not one wildlife refuge was closed to hunting.

In fact, the Clinton administration has opened more refuges to hunting and fishing in its first 2 years than did the Bush administration during its last 2 years.

So, this legislation attempts to fix a problem that does not exist. And along the way, it actually undermines the ability of the wildlife management professionals of the Fish and Wildlife Service, with whom the job is properly left, to manage the many competing public uses of the National Wildlife

Refuge System. This bill is not an improvement. It is bad for the wildlife, and that is ultimately bad for the sportsmen and sportswomen whose activities depend on abundant wildlife populations.

In addition, the bill contains provisions which will create overly broad exemptions for military activities on wildlife refuges, and strip refuges of reserved water rights.

The substitute before the House fortunately drops a provision included by the Resources Committee to allow harmful pesticides to be used on refuges lands leased by farmers. That is a positive step, although the same provisions were contained in the long-term CR recently passed by the House and Senate. There were some other changes made that were mostly cosmetic and do not address the fundamental problems with the bill.

I am also aware that the gentleman from New York [Mr. BOEHLERT] will offer en bloc amendments to the bill. While I applaud the gentleman's efforts to improve the bill, these amendments do not do the trick either.

No, the problems with this bill are much more fundamental. As Secretary of the Interior Bruce Babbitt said to Chairman YOUNG in an April 23 letter concerning this bill: "This bill is not the right way to celebrate Earth Week or the environment."

The President has addressed the legitimate concerns about hunting and fishing in our refuges. There is an appropriate balance between wildlife conservation and public recreation. That balance already exists in our National Wildlife Refuge System. This bill will upset that delicate balance. I urge my colleagues to oppose H.R. 1675.

Mr. Chairman, I include for the RECORD the statement of administration policy on H.R. 1675.

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 1675—NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT (REP. YOUNG (R) AK AND 27 COSPONSORS)

If H.R. 1675, as reported by the Rules Committee (the Young substitute amendment), is presented to the President in its current form, the Secretary of the Interior will recommend that he veto the bill.

H.R. 1675, as reported by Rules Committee (the Young substitute amendment), would greatly weaken the U.S. Fish and Wildlife Service's ability to protect the National Wildlife Refuge System from harmful activities. The Young substitute amendment does not address many of the bill's fundamental problem and creates significant new problems by:

Eliminating consideration of the "public interest" in opening wildlife refuges to recreational interests.

Establishing an unneeded exemption process to facilitate expanded military use of refuge lands, despite no showing that military needs are not currently being accommodated.

Calling into question the validity of existing reserved water rights of individual refuges and thus undermining the ability of the Service to provide suitable habitat for the species on such refuges.

Allowing some present and future refuges to be transferred to the States as "coordination areas" to be managed free from the provisions of refuge law.

Restricting the needed expansion of the System by imposing new limits on the use of the Land and Water Conservation Fund monies for refuge acquisition.

Elevating certain public uses of refuges, including hunting and trapping, into purposes of the System.

Compromising the process for determining whether certain recreational uses are compatible with refuge purposes and should be allowed at any given refuge.

Waiving refuge law to allow the dumping of chemicals into aquatic habitats on refuges in order to kill certain nuisance species.

□ 1445

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SAXTON].

(Mr. SAXTON asked and was given permission to revise and extend his remarks.)

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, some opponents of this bill would like everyone to believe that its only purpose is to permit fishing and hunting in our National Wildlife Refuge System. This is simply not true. This is a comprehensive bill that will improve and enhance wildlife management of the national wildlife refuges throughout our entire country.

This bill addresses a broad range of concerns expressed in a variety of Government reports going back 25 years about the need for better, more uniform system-wide management of refuges. For the first time, this bill establishes a system-wide mission statement. Those purposes include not only compatible fish and wildlife oriented recreation, including fishing and hunting, it also includes wildlife observation and environmental education and also conservation management, restoration of fish and wildlife, the preservation of endangered species and the implementation of the international treaty obligations regarding fish and wildlife.

Those are a broad-ranging set of objectives that this reform bill has inherent within it. The bill also gives the Secretary of the Interior comprehensive direction on the administration of the system and establishes a management planning process that will be uniform throughout the system, something that has been sorely needed in my opinion for many years.

It assures public involvement in the planning process and requires that those plans be reviewed at least every 15 years. One aspect of the bill that I believe is critically important is the requirement that refuges remain open until closed. Let me explain why I believe this section of the law is critically important.

Under the system which currently exists, as refuges expand or as new refuges are created, the minute the Fish and Wildlife Service or the Federal

Government takes title to land, it is closed to all wildlife-related public uses. I do not believe that it is anyone's intent that that happen.

We changed the provisions so that, when the Fish and Wildlife Service assumes title and assumes, therefore, the management of new lands, that these historic wildlife-related uses continue to occur until a management plan is adopted. This is a very important change because in some areas of the country, the refuge system, which at one time enjoyed almost unanimous public support, today the system does not enjoy and the plans do not enjoy unanimous public support because the minute someone, the minute the refuge system acquires additional land, it is closed to hunting and fishing and bird watching and any other use that is related to wildlife pursuits. So this bill, I believe, is important for that reason and it should be considered, I think, one of the very important provisions.

This bill also codifies the existing regulatory definition of "compatible use" that the Fish and Wildlife Service has obviously used for many years. The committee expects that there will be some wildlife refuges, particularly in urban areas, that will not be appropriate settings for all forms of wildlife-dependent recreation. Therefore, there is no reason to believe that this measure will greatly change the current management system.

Finally, this bill establishes a broad goal of wildlife protection for our refuge system, establishes purposes that reflect the current goals of the system, institutes a long overdue systemwide comprehensive planning process, and assures that taxpayers who purchase the refuge lands can utilize them in many legitimate ways.

This bill merits your support, and I obviously think that everyone should vote for it. I would just conclude, Mr. Chairman, by mentioning that there are a broad, a large number, a broad array of organizations that support this bill. For example, let me just read some of them, the American Sportfishing Association, the California Waterfowl Association, Congressional Sportsmen's Foundation, Foundation for North American Wild Sheep, the International Association of Fish and Wildlife Agencies, the Mzuri Wildlife Foundation, the National Wild Turkey Federation, the New Jersey Federation of Sportsmen, the North American Waterfowl Federation, Quail Unlimited, the Ruffed Grouse Society, Safari Club International, Wildlife Forever, and the Wildlife Legislative Fund of America.

Mr. Chairman, I think that these organizations know that this is a good bill. I believe it is a good bill. I incidentally think it will even be enhanced by the Boehlert amendment when it is offered. I urge everyone to support the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from California mentioned the fact that there was a statement from the administration opposing my bill. I am amazed. I cannot believe that, because four of the things that they are opposing my bill on, two of them were their language.

One was on establishing an unneeded exemption process to facilitate expanded military use of refuge lands, despite no showing that military needs are not currently being accommodated. That is their language.

The other one is calling into question the validity of existing reserved water rights. We did not even talk about water rights. Then we have two of them that they are objecting to the gentleman from New York [Mr. BOEHLERT] is going to solve in his amendment, and we agreed to accept that amendment. Of course, the one thing that bothers me the most is that they are opposed to hunting. They are also opposed to fishing. By Executive order the President says, no, I am all for this, but it is by Executive order. What we are trying to do is revive and establish what refuges were set up for and by whom and who supports them.

All the refuges that I have served under in 24 years were created with the full support of the fishermen and the hunters and the recreation users. Now we are having managers say, no, you cannot fish in Arkansas, because we believe that the way you fish is wrong so fishing is closed. This is by a manager. I talked to Mollie Beattie. She says I cannot override the manager's position.

Then we have a case in Oklahoma where a manager, this refuge was created for migratory waterfowl and they managed it for migratory waterfowl by planting crops that would be something for the geese and the ducks as they flew down the byway to eat. The manager said, no, this is not natural. We will not plant this food so they can eat. And around the refuge the farmers were still farming so all the ducks and geese went to the farms outside the refuge so there is no longer any birds in the refuge. This is all documented.

But now the same manager says, oh, by the way, fishing is prohibited on this refuge because it might interfere with the waterfowl. Wait a minute. Where are the waterfowl? Off the refuge because they stopped growing feed. So the fishermen are terribly upset. The hunters are upset. The birds are upset. And the refuge has no support. And when the people stop supporting refuges, there will be no more refuges, nor the existence will not be funded.

I am asking for passage of this legislation so that the sportsmen of America, the little child that has a cane pole, the person in the wheelchair that goes out on the dock and tries to catch a fish has an opportunity to do so and not letting one person arbitrarily say, no, you cannot do it because I do not think it is compatible.

All this bill does is set a criteria and allows uses, as long as they are com-

patible, to take place. And it takes away the discretion of a manager to arbitrarily impose his philosophy upon a refuge that was created for other reasons.

If he decides to try to do that, he has to justify and prove that it is not compatible. If it endangers the public, yes; if it endangers a species, yes; if it in fact does some harm, he has that latitude. But if there is not a reason, then he cannot disallow it.

So this is what this bill is all about. It is unfortunate that this administration for some reason is against the American sportsmen. They do not support the American sportsmen and do not let anyone say they do just because the President goes on to an area to shoot 1 duck, and by the way he missed 42. He might be called a conservationist. Do not let the American sportsmen be fooled by this position.

What they want is to eliminate what the original refuges were set up for, the purposes of them. And in fact, they do not recognize the danger of not having the support by those people.

Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I rise in strong support of H.R. 1675. I want to congratulate Chairman YOUNG and Mr. DINGELL for putting together a bipartisan piece of legislation. Additionally, I am encouraged that this is a clean bill and one that recognizes all the traditional recreational uses of our refuges as purposes.

The original principal behind the establishment of our wildlife refuges was to ensure the viability and health of wildlife populations. H.R. 1675 recognizes this principal by adopting five purposes: First, conserve and manage fish, wildlife, plants and their habitats; second, preserve, restore and recover endangered or threatened species; third, fulfill international treaty obligations; fourth, conserve and manage migratory birds, anadromous fish, and mammals; and fifth, provide opportunities for compatible wildlife-dependent recreation, including hunting, fishing, wildlife observation, and environmental education. Each refuge may adopt all the stated purposes or select just a few, depending on the compatibility of the purpose to the refuge. Under the bill, each purpose must be compatible with the underlying principal of protecting the health of wildlife populations in order to be a purpose at a specific refuge. Under this legislation, the underlying principal will not be compromised.

Some of my colleagues may have concerns because hunting is listed as a purpose of wildlife refuges. First of all, hunting is recognized by the general wildlife science community as a valid wildlife management tool if done in a proper manner. Second, if the refuge manager or the Secretary finds that

hunting is not compatible with a certain refuge, hunting will not be allowed. The reason we have put this language into this bill is to avoid the situation we were faced with a few years ago where hunters were put on notice that they may lose their hunting rights on lands they have always hunted on. Hunters are avid users of refuges—billions of their dollars have gone to wildlife and habitat conservation through excise taxes, licenses, and stamps. It has been estimated that over three-fourths of the lands acquired for the refuge system were purchased through migratory bird conservation dollars through the sale of duck stamps.

As an example, in the 1st District of Arkansas, land was acquired to enlarge the Cache River Refuge. These lands were used for hunting for decades before they were added to the refuge system. It is the ultimate slap in the face to these hunters that they may lose the opportunity to hunt on land they have hunted on for generations and that the land was purchased with their dollars.

Many changes have been made to this bill to address the administration's concerns and I believe that the final bill is a good product. I urge my colleagues to support H.R. 1675.

□ 1500

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I rise in strong support, as the gentleman from Arkansas [Mrs. LINCOLN], and I know the gentlewoman is set with twins and that she would be participating in the Sportsmen Caucus, Republican versus Democrat, shootoff on May 6, but I do not think her doctor would let her do that.

Mrs. LINCOLN. That is right; the gentleman is lucky I am not.

Mr. CUNNINGHAM. But she would be there, I understand, and I speak as one of the new cochairs for the Sportsmen Caucus along with the gentleman from Tennessee [Mr. TANNER], and the Sportsmen Caucus is founded to support the rights of fishermen and families that are interested not only in conservation, in the environment as far as fishing and hunting and a national treasure that we have enjoyed over a lifetime.

This is a pro-environment bill, although there will be some that say it is not, and I think what we need in this body is more of a middle-of-the-road kind of direction instead of those that want to pave over the world, like those groups like Earth First, Earth Island, in which the Unabomber's manifesto was drafted and the extremist groups and special-interest groups on both sides, and I think that this bill tries to come somewhat in the middle.

Mr. Chairman, I would say to my colleagues that there is a very good Jewish proverb that was born out of the movie called "Jazz Singer," and I am

old enough, like the gentleman from Alaska [Mr. YOUNG], the chairman, to remember a guy named Al Jolson, and later Neil Diamond played in a movie, and it is about a father who has lost his son, not to a death but because of an argument, and the Jewish proverb goes like this:

The father says, "Son come home. We have argued too long."

And the son replies, "Father, I cannot. There has been too much between us."

And the father's reply to his son is, "Son, come as far as you can, and I will come the rest of the way."

I think this bill comes the rest of the way and meets somewhere in the middle, and we would ask our colleagues from both sides of the aisle to make that distance in between because that is the intent.

We are trying to protect a long history of the ability of people to use recreational areas, to hunt to fish, to look at birds, to preserve the environment and conserve. And if you take a look at those groups like Sportsmen Caucus, those are the groups that have provided, for example, the duck and the wetlands up in Canada. The species would be almost totally eliminated if they had not purchased the land that will allow the nesting of our migratory birds. And all of those efforts have come about from the Sportsmen Caucus-type groups and have actually enhanced our environment.

The environmental groups opposing this will claim that unlimited hunting and fishing will occur on all refuges. This is not true. This is not the case. The bill provides the U.S. Fish and Wildlife Service with the option to disallow hunting on refuges if it is decided that these activities pose a treat to public safety or conservation purposes of the refuge.

What it does do: It eliminates an individual with a certain agenda at the head of each of these refuges from making an arbitrary decision to just cut off recreational use, and we think that this is wrong. I believe that that is median policy and, I think, can be supported, and I think will be supported, just like the gentlewoman from Arkansas and my friend, the gentleman from Tennessee [Mr. TANNER]. It establishes conservation plans for each of the 504 refuges within 15 years.

Mr. Chairman, the bill is the first significant refuge reform bill considered by Congress since 1966. I would ask my colleagues to support it.

I look back when I grew up. I lost my dad about a year and a half ago, but I can still remember as a youngster going to Swan Lake in Missouri and hunting with my dad and fishing. I can remember just recently going over with my dad to the Imperial Valley at Wooster and doing the same thing, and I got some duck mud between the toes of both of my daughters, and I would like to be able to continue that because I think that communication between father and son and father and daughter

and grandfather, which also takes some hunting, is very important to the tradition of this country.

I thank the chairman for sponsoring the bill and supporting it, and I ask an "aye" vote on it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Chairman, I came down mostly because I wanted to be able to say for the only time in the 9 years I have been in Congress that I think that the gentleman from Alaska [Mr. YOUNG] and the gentleman from Michigan [Mr. DINGELL] are right in their joint effort in legislation, and I intend to support them. I will probably never have an opportunity to utter that sentence again, the reason being the context here and one that has been overlooked in the course of the previous discussion, which has been more of a discussion than a debate because of the wide range of support behind this legislation.

But the fact that since 1966 we have had no review of the means by which we make conservation and comprehensive planning is in and of itself somewhat disgraceful.

Imagine if our foreign policy were conducted by diplomats who were basing their 1996 on their 1966 views. Imagine if we had economists who were sitting there projecting the manner in which they have projected 30 years ago. The answer is through everything from propagation programs that have been able to save some endangered species. In my own State of Louisiana, believe me, what was the endangered alligator species is now a fulfillment of what was a common expression that "you are up to your you know what in alligators." That is now both literally and figuratively true because of efforts made in wildlife refuges and accomplished in Camden and Vermillion Parish.

The second thing is, as my colleagues know, nature does not adhere to legislation even, regulations. That would probably astonish some bureaucrats to believe there is a force higher than they are, but nature itself sometimes does things like hurricanes, reroutes canals, uproots trees, moves levees. If we do not have comprehensive planning that also is revisited and adjusted, then we are going to do great untold harm to neighboring communities, to fish, to wildlife, and all the public.

So for that reason I think you see such a wide array of those of us who serve in the House and who may disagree on how to get to some end results supporting the same vehicle here today, and it is truly unfortunate that the Secretary of the Interior does not reflect that same wide range and broad-based support.

I would hope that he would read the bill. I would hope that he would indeed urge the President to sign the bill rather than urge him to veto it. For that reason he would do untold good to not only those who are here today voting but to the future generations of all Americans.

Mr. MILLER of California. Mr. Chairman, I yield 7 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I thank my good friend the gentleman from California [Mr. MILLER] for his kindness in yielding me this time.

Mr. Chairman, I thank my good friend the gentleman from California [Mr. MILLER] for his kindness in granting me this time.

I want to pay tribute to the gentleman from Alaska [Mr. YOUNG], my good friend, the chairman of the committee, with whom I have worked very hard on this legislation.

I would like the House to know that this is good legislation, and I would like to tell them a little bit as to why.

In my young days between about 1966 and about 1974, I was chairman of a little subcommittee called the subcommittee on fisheries and wildlife conservation. It was one of the components of the Committee on Merchant Marine and Fisheries. It had jurisdiction overall of the national refuge system. And during that time we wrote the National Wildlife Refuge System Act of 1966.

Since that time I have also served for 26 years as a Democratic Representative of the House to the Migratory Bird Conservation Commission, which is in charge of buying land for the migratory bird refuge system, and in that time the Nation has acquired over 600,000 acres of habitat for the protection of migratory birds and other wildlife. This is a great treasure and one of my principal purposes has been to protect it to assure that it would not be destroyed or dissipated. Indeed one of the early things which we confronted was an attempt by the then-Secretary of the Interior McKay to dissipate the entirety of the refuge system. That was brought to a halt, and, as a result of that, the Refuge Administration Act was put together. This legislation has been called the best piece of public land management legislation ever.

Some 30 years now after that was done, I am proud to see the accomplishments which have taken place as a result of that bill. The system is now providing well-managed habitat for the protection of resident and migratory species. It is also helping to recover threatened and endangered species. It is contributing to the diversity of refuge areas, and it is serving for all of the people much more traditional and wildlife-related purposes, such as hunting, fishing, and wildlife observation.

It is a system which, I would remind my colleagues, is funded in the largest part by the contributions of the hunters of this Nation who, by their purchase of duck stamps, make it possible for this Nation to acquire the lands which are set aside forever as a part of the refuge system. It is important to recognize then the unequal part that our Nation's hunters and fishermen pay—play in providing constant support for the expansion and the maintenance of our refuge system.

America's sportsmen and sports women provide this help not only with their votes but also through the purchase of duck stamps, a substantial portion of the public dollars then which are expended in support of the refuge system.

A few weeks ago the President expressed his support of the sportsmen community by issue of executive order. It recognizes supporting uses as a priority use of the system, and this is one of the reasons that we are able to sustain that system and to encourage patriotic sportsmen, hunters, outdoors men and women for contributing to the system.

Now, I have hunted with the President, and I know of his strong interest in our refuge systems, and I am pleased that he took the initiative with this executive order. It is my hope that he will see the merits of the legislation here which codifies much of that order.

H.R. 1675 is the result of some long-sought legislative improvements in the refuge system. For many years, environmentalists and sportsmen and women have called for an organic act which lays out clear purposes of the system and requires the completion of the conservation management plans for each refuge. A number of studies by the General Accounting Office and the Fish and Wildlife Service have found many problems in our refuges. These problems range from overuse to toxic contamination to a lack of proper funding and proper management. H.R. 1675 is the result of thorough examination of these problems and an attempt to make improvements of the management of the system which will require better planning, compatible uses, and a clear identification of the purposes of the system.

Chairman YOUNG last year talked to me about cosponsoring this legislation. I agreed to do so so that this body could give the Fish and Wildlife Service the tools that it needs to do the job.

□ 1515

In fact, I decided to cosponsor this bill only after consulting with the Fish and Wildlife Service and being convinced that the bill is in the best interest of the National Wildlife Refuge System and the wildlife that it protects.

I want to commend again the distinguished gentleman from Alaska for his leadership in this. This is a good bill. It is one which will make progress in terms of protecting the refuge system and one which will make real progress in terms of protecting the wildlife that are dependent upon it, and in assuring that we can continue the public support which has made possible the success of one of the greatest systems of public lands and the greatest systems of public land management for an important national purpose, and that is the protection of wildlife.

There is no doubt that this bill has, I would observe, some reservations. I have worked for several months with

the Fish and Wildlife Service, the Interior Department, the Council on Environmental Quality, and other organizations to address problems that they have brought to my attention. I would observe that in each instance my good friend from Alaska has been most helpful in addressing those concerns.

Now, one major source of concern is the question of hunting and wildlife-dependent recreation on the system. Well, first of all, under this legislation no hunting and no refuge use can take place which is inconsistent with the purposes for which this system is set up.

Remember, this system is set up and paid for in good part by the hunters of America who contribute to this. I would observe that the critics of this bill have probably in toto contributed nothing to the purchase of refuge system lands over the years. I think that tells us a great deal, that people who love it enough to put their money where their mouth is are the hunters and the sportsmen. They will use this, and they will use it in a fashion which is consistent with the purpose of the refuge and in a fashion which is consistent with the best interests of not only the habitat but also the wildlife.

I would urge my colleagues to support this legislation, to understand that basic good sense and basic hunting, not only as a purpose of the refuge but also as a device for the management of the wildlife there, makes the best of good sense. This is a good piece of legislation. I urge my colleagues to support it. I tell the Members, both as a hunter and a conservationist and as one who has authored much of the legislation that relates not only to the refuge system but protection of the environment, that this is good legislation. I urge my colleagues strongly to support it. It is in the public interest, it is in the interest of the refuge system, it is in the interest of the wildlife, and future generations will thank us for passing this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN. The gentleman from Alaska [Mr. YOUNG] has 9 minutes, and the gentleman from California [Mr. MILLER] has 15 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. I thank the gentleman for yielding me the time.

Mr. Chairman, I think that whenever the U.S. Congress passes legislation, they should keep several important things in mind which I am going to describe. I think those things that enhance legislation in this House, which enhance laws, are present in this legislation.

First of all, I think with the amendments by the gentleman from New York [Mr. BOEHLERT], this legislation will improve existing law.

No. 2, this legislation provides a structure which will enhance local

managers' ability to work much more closely with the State government, with the local government, with private landowners, with environmental groups, with anybody that has any kind of an interest in America's wildlife refuges.

No. 3, this particular legislation continues to give local managers the flexibility they need to provide what they feel is necessary to manage wildlife in any way that they think is conducive for their conservation.

I want to make a comment to an earlier statement by the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM described the story where a father and son had a falling out, and the father called the son and said, "Let's get together." The son said, "I can't, there is too much between us". Then Mr. CUNNINGHAM said the father told the son, "Just come as far as you can go, and I will go the rest of the way".

If we want to legislate good laws for this country, then this particular piece of legislation, I might add to the gentleman from Alaska [Mr. YOUNG], this particular piece of legislation brings opposing forces together. Each side has come just as far as they can go and there has been a compromise.

If we are going to be successful in managing the Nation's resources, then this type of discussion, this type of debate, this type of legislation is the kind of example that we need to show to our constituents and we need to show to our Nation. So I would urge the Members that this is a good bill. We should vote for this bill.

I want to compliment the chairman of the Committee on Resources for his work.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

(Mr. BREWSTER asked and was given permission to revise and extend his remarks.)

Mr. BREWSTER. Mr. Chairman, I rise today in support of H.R. 1675, the National Wildlife Refuge Improvement Act. This bill clarifies the original intent of the National Wildlife Refuge System Administration Act of 1966.

That intention being: wildlife based recreation, including hunting and fishing, being a primary purpose of the system.

As many of you know I am an avid and responsible sportsman. This legislation erases 30 years of over zealous regulation by the Fish and Wildlife Service. It is high time we give back the refuge system to the people—not to the Government.

It is becoming harder and harder for individuals to enjoy the sports of hunting and fishing. Most people don't have the ability to own private land for these activities.

H.R. 1675 brings wildlife-dependent recreation back as one of the primary goals of the refuge system.

Our refuge system is in dire need of reform, and this is the vehicle in which it can be accomplished.

H.R. 1675 has bipartisan support including wildlife conservation groups, and State fish and wildlife agencies.

I urge my colleagues to vote "yes" on H.R. 1675.

PARLIAMENTARY INQUIRY

Mr. MILLER of California. Mr. Chairman, I have a parliamentary inquiry. Just for the sake of a clarification so I know whether I can yield back or not, can the Chair advise me with respect to the Nadler amendment? Must that be offered prior to?

The CHAIRMAN. The Nadler amendment was printed in the RECORD. Prior to what?

Mr. MILLER of California. The question is, is that impacted by the Boehlert amendment? I do not know if the gentleman from New York [Mr. BOEHLERT] is going to offer his amendment now.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] will be offering his amendment.

The CHAIRMAN. Under the rule, the amendment of the gentleman from New York [Mr. BOEHLERT] was not printed in the RECORD. The amendment of the gentleman from New York, Mr. NADLER, was printed in the RECORD, and under the rule, Mr. NADLER could have priority of recognition.

Mr. MILLER of California. Mr. Chairman, can the gentleman from Alaska sing for 5 minutes? We are looking for the gentleman from New York [Mr. NADLER]. I think I need to protect his rights to offer his amendment. Maybe the gentlewoman from Arkansas can offer her amendment.

Mr. YOUNG of Alaska. If the gentleman from California will yield back the balance of his time.

Mr. MILLER of California. That is what I am trying to determine.

Mr. YOUNG of Alaska. I yield back the balance of my time. I will have the gentlewoman's amendment made in order right off the bat.

Mr. MILLER of California. Then we will do the Nadler amendment and the Boehlert amendment.

Mr. YOUNG of Alaska. Whatever is right. I will do hers.

Mr. MILLER of California. I thank the Chair for indulging our concerns. The gentleman from New York [Mr. NADLER] is here.

Mr. ACKERMAN. Mr. Chairman, I rise this evening to stand together with my colleagues in commemoration of the Armenian genocide of 1915–23. Eighty-one years ago, while Europe was embroiled in war and the Ottoman Empire was crumbling, a concerted campaign to eradicate the Armenian people began. In the course of 8 brutal years, at least 1.5 million Armenian men, women, and children were massacred.

What was the reason behind this deliberate and calculated effort to destroy any Armenian presence in Turkey? We will probably never know. The official Turkish Government position is that, during World War I, a series of internal conflicts contributed to the unfortunate deaths of many Armenians. In my opinion, that symbolizes a categorical denial of what really

happened. It is the denial of an event that has been documented by scholars the world over. That denial is disrespectful to the memories of those that perished, those that survived, and to the civilized world. Quite simply, it is reprehensible. As a Jewish Member of Congress, and a human being, I cannot stand idly by while this denial continues to be perpetrated.

It has been said that when Adolf Hitler was planning the Final Solution to the Jewish problem, he recalled the international reaction to the Armenian genocide: "Who remembers the Armenians?" he offered. In the same vein, who then would stand up for the Jews and remember them? Well, we do remember that Holocaust, as well as the innocent victims of the Armenian genocide, and we will continue doing so, that it may never happen again.

The Armenian genocide was the first of the 20th century, but because the world did not learn its lesson, we were forced to endure the horrors of the Jewish Holocaust. Therefore, we have pledged, and stand together, as Jews, as Armenians, as people, that we will never allow this kind of tragedy to befall us again.

I thank my colleagues, Congressmen JOHN PORTER and FRANK PALLONE, for leading this effort in the House of Representatives, and am proud to be a member of the Armenian Issues Caucus in order to work on this issue of concern to all human beings.

Mr. MATSUI. Mr. Chairman, I rise to express my support for the amendment offered by my colleague from New York, Mr. NADLER. I strongly agree that we must eliminate the provisions of this legislation that would require specific congressional authorization for the creation of new national wildlife refuges.

It is clearly the case that Congress ought to be involved in decisions about the creation of wildlife refuges. In fact, we are already intimately involved in this process. Federal purchase of lands for any wildlife refuge—whether the refuge is new or already in existence—cannot occur unless the Interior appropriations bill specifically allocates funding from the Land and Water Conservation Fund for this purpose.

However, this bill goes too far in requiring that authorizing legislation be approved before a wildlife refuge can be created. Such a requirement would sharply limit the creation of wildlife refuges—taking away from the Federal Government a key tool in protecting critically important lands and wildlife in a manner that imposes very limited regulatory burdens.

If this bill had been in effect in 1992, it could potentially have prevented the creation of the Stone Lakes National Wildlife Refuge in southern Sacramento County. Stone Lakes is a fine example of the opportunities that the National Wildlife Refuge System presents for cooperative, voluntary environmental protection. Since the creation of the refuge, the Fish and Wildlife Service has acquired approximately 800 acres from willing sellers and is in the process of arranging the donation of an additional 1,400 acres for the refuge. The agency is also working to develop cooperative land management agreements with other governmental bodies that own some 5,500 acres within the refuge boundaries.

Through these arrangements, the Federal Government is maximizing environmental benefits while minimizing its costs as well as impacts on private property owners. The benefits are tremendous. The site is a key link for the

migratory birds that inhabit California's Central Valley. In addition, Stone Lakes is already a part of nonregulatory solutions to the challenge of species and resource protection—serving as a mitigation site for wetlands and endangered species preservation. Finally, the proximity of this rich resource to the urbanized Sacramento area provides an invaluable opportunity for area residents to enjoy the refuge's benefits.

Stone Lakes exemplifies the possibilities of the National Refuge System. This bill makes a grave mistake in creating major obstacles for the creation of similar sites elsewhere in the country. I strongly oppose these provisions and urge their removal from the bill.

Ms. ESHOO. Mr. Chairman, earlier this month, I held eight townhall meetings throughout my district to celebrate Earth Day and listen to what people think about how this Congress is handling the environment.

Time and time again, I heard people say that they strongly favor measures to preserve our natural heritage and oppose efforts by Republican leaders to gut important conservation laws, like the National Wildlife Refuge Act that we're now considering.

This bill will open up national wilderness areas to hunting and fishing, as well as make it more difficult to establish new refuges.

This underscores why other environmental legislation we passed earlier this week was a mere figleaf to hide what the majority in the House do not want the American people to see—its unrelenting assault on our clean air, clean water, clean drinking water, and wilderness areas.

No wonder Bob Herbert wrote in last Friday's New York Times that when you free associate about Republican leaders on the environment, "life-affirming" is the last term that comes to mind.

Mr. Speaker, this week, while people in my district and throughout the Nation are stressing the importance of protecting the environment, Republican leaders are once again rejecting the American value of conservation. I urge my colleagues to vote no on the National Wildlife Refuge Act.

Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD on April 16, 1996, and numbered 1 shall be considered by sections as an original bill for the purpose of amendment. Pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; REFERENCES

(a) SHORT TITLE.—This Act may be cited as the "National Wildlife Refuge Improvement Act of 1996".

(b) REFERENCES.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. FINDINGS.

(a) FINDINGS.—The Congress finds the following:

(1) The National Wildlife Refuge System is comprised of over 91,000,000 acres of Federal lands that have been incorporated within 508 individual units located in all 50 States and our territories.

(2) The System was created to conserve fish, wildlife, and other habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

(3) The System is comprised of lands purchased not only through the use of tax dollars but also through the sale of Duck Stamps and refuge entrance fees. It is a System paid for by those utilizing it.

(4) On March 25, 1996, the President issued Executive Order 12996 which recognized "wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the Refuge System".

(5) Executive Order 12996 is a positive step in the right direction and will serve as the foundation for the permanent statutory changes made by this Act.

The CHAIRMAN. Are there any amendments to section 2?

If not, the clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 668ee)—

(1) is redesignated as section 4; and

(2) as so redesignated is amended to read as follows:

The CHAIRMAN. Are there any amendments to section 3?

Mr. YOUNG of Alaska. Mr. Chairman, instead of going through all the sections, I ask unanimous consent that the remainder of the amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The text of the remainder of the amendment in the nature of a substitute is as follows:

SEC. 4. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'compatible use' means a use that will not materially interfere with or detract from the fulfillment of the purposes of a refuge or the purposes of the System specified in section 4(a)(3), as determined by sound resource management, and based on reliable scientific information.

"(2) The terms 'conserving', 'conservation', 'manage', 'managing', and 'management',

when used with respect to fish and wildlife, mean to use, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

"(3) The term 'Coordination Area' means a wildlife management area that is acquired by the Federal Government and subsequently made available to a State—

"(A) by cooperative agreement between the United States Fish and Wildlife Service and the State fish and game agency pursuant to the Fish and Wildlife Coordination Act (16 U.S.C. 661-666c); or

"(B) by long-term leases or agreements pursuant to the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

"(4) The term 'Director' means the Director of the United States Fish and Wildlife Service.

"(5) The terms 'fish', 'wildlife', and 'fish and wildlife' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

"(6) The term 'hunt' and 'hunting' do not include any taking of the American alligator (*Alligator mississippiensis*) or its eggs.

"(7) The term 'person' means any individual, partnership, corporation or association.

"(8) The term 'plant' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

"(9) The terms 'purposes of the refuge' and 'purposes of each refuge' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

"(10) The term 'refuge' means a designated area of land, water, or an interest in land or water within the System, but does not include navigational servitudes, or Coordination Areas.

"(11) The term 'Secretary' means the Secretary of the Interior.

"(12) The terms 'State' and 'United States' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the insular possessions of the United States.

"(13) The term 'System' means the National Wildlife Refuge System designated under section 4(a)(1).

"(14) The terms 'take', 'taking', or 'taken' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill."

(b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C. 668dd) is amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

SEC. 4. MISSION AND PURPOSES OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in clause (i) of paragraph (6) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (5)"; and

(3) by inserting after paragraph (1) the following new paragraphs:

"(2) The overall mission of the System is to conserve and manage fish, wildlife, and plants and their habitats within the System for the benefit of present and future generations of the people of the United States.

"(3) The purposes of the System are—

“(A) to provide a national network of lands and waters designed to conserve and manage fish, wildlife, and plants and their habitats;

“(B) to conserve, manage, and where appropriate restore fish and wildlife populations, plant communities, and refuge habitats within the System;

“(C) to conserve and manage migratory birds, anadromous or interjurisdictional fish species, and marine mammals within the System;

“(D) to provide opportunities for compatible uses of refuges consisting of fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, and environmental education;

“(E) to preserve, restore, and recover fish, wildlife, and plants within the System that are listed or are candidates for threatened species or endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and the habitats on which these species depend; and

“(F) to fulfill as appropriate international treaty obligations of the United States with respect to fish, wildlife, and plants, and their habitats.”

SEC. 5. ADMINISTRATION OF THE SYSTEM.

(a) ADMINISTRATION, GENERALLY.—Section 4(a) (16 U.S.C. 668dd(a)) (as amended by section 3 of this Act) is further amended by inserting after new paragraph (3) the following new paragraph:

“(4) In administering the System, the Secretary shall—

“(A) ensure that the mission and purposes of the System described in paragraphs (2) and (3), respectively, and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and any purpose of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the purposes of the System;

“(B) provide for conservation of fish and wildlife and their habitats within the System;

“(C) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

“(D) assist in the maintenance of adequate water quantity and water quality to fulfill the purposes of the System and the purposes of each refuge;

“(E) acquire under State law through purchase, exchange, or donation water rights that are needed for refuge purposes;

“(F) plan, propose, and direct appropriate expansion of the System in the manner that is best designed to accomplish the purposes of the System and the purposes of each refuge and to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats;

“(G) recognize compatible uses of refuges consisting of wildlife-dependent recreational activities involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

“(H) provide expanded opportunities for these priority public uses within the System when they are compatible and consistent with sound principles of fish and wildlife management;

“(I) ensure that such priority public uses receive enhanced attention in planning and management within the System;

“(J) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage

in traditional outdoor activities, such as fishing and hunting;

“(K) ensure that the biological integrity and environmental health of the System is maintained for the benefit of present and future generations of Americans;

“(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness;

“(M) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, and to increase support for the System and participation from conservation partners and the public;

“(N) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges;

“(O) ensure appropriate public involvement opportunities will be provided in conjunction with refuge planning and management activities; and

“(P) identify, prior to acquisition, existing wildlife-dependent compatible uses of new refuge lands that shall be permitted to continue on an interim basis pending completion of comprehensive planning.”

(b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is amended—

(1) in the matter preceding paragraph (1) by striking “authorized—” and inserting “authorized to take the following actions:”;

(2) in paragraph (1) by striking “to enter” and inserting “Enter”;

(3) in paragraph (2)—
(A) by striking “to accept” and inserting “Accept”; and

(B) by striking “, and” and inserting a period;

(4) in paragraph (3) by striking “to acquire” and inserting “Acquire”; and

(5) by adding at the end the following new paragraph:

“(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, enter into cooperative agreements with State fish and wildlife agencies and other entities for the management of programs on, or parts of, a refuge.”

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d) (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraph:

“(3)(A)(i) Except as provided in clause (ii), on and after the date that is 3 years after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use.

“(ii) On lands added to the System after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, any existing fish or wildlife-dependent use of a refuge, including fishing, hunting, wildlife observation, and environmental education, shall be permitted to continue on an interim basis unless the Secretary determines that the use is not a compatible use.

“(iii) The Secretary shall permit fishing and hunting on a refuge if the Secretary determines that the activities are consistent with the principles of sound fish and wildlife management, are compatible uses, and are consistent with public safety. No other determinations or findings, except the determination of consistency with State laws and regulations provided for in subsection (m),

are required to be made for fishing and hunting to occur. The Secretary may make the determination referred to in this paragraph for a refuge concurrently with the development of a conservation plan for the refuge under subsection (e).

“(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge Preservation Act of 1996, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use is a compatible use, that—

“(i) designate the refuge officer responsible for making initial compatibility determinations;

“(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

“(iii) identify the effects of each use on refuge resources and purposes of each refuge;

“(iv) require that compatibility determinations be made in writing and consider the best professional judgment of the refuge officer designated under clause (i);

“(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the purposes of the System specified in subsection (a)(3);

“(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

“(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use;

“(viii) require after an opportunity for public comment reevaluation of each fish and wildlife-dependent recreational use when conditions under which the use is permitted change significantly or when there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years;

“(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for fish- and wildlife-dependent recreational uses; and

“(x) provide that when managed in accordance with principles of sound fish and wildlife management, fishing, hunting, wildlife observation, and environmental education in a refuge are generally compatible uses.

“(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

“(A) overflights above a refuge; and

“(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over the refuge or a portion of the refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction over the refuge governing the use of the refuge.

“(5) Overflights above a refuge may be governed by any memorandum of understanding entered into by the Secretary that applies to the refuge.”

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(2) by inserting after subsection (d) the following new subsection:

“(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

“(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a ‘planning unit’) in the System;

“(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

“(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

“(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

“(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge Preservation Act of 1996.

“(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge Preservation Act of 1996, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

“(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

“(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

“(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

“(A) the purposes of each refuge comprising the planning unit and the purposes of the System applicable to those refuges;

“(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

“(C) the archaeological and cultural values of the planning unit;

“(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

“(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

“(F) the opportunities for fish- and wildlife-dependent recreation, including fishing and hunting, wildlife observation, environmental education, interpretation of the resources and values of the planning unit, and other uses that may contribute to refuge management.

“(3) In preparing each comprehensive conservation plan under this subsection, and

any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

“(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

“(B) coordinate the development of the conservation plan or revision of the plan with relevant State conservation plans for fish and wildlife and their habitats.

“(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, adjacent or potentially affected landowners, local governments, and any other affected parties, together with a statement of the disposition of concerns expressed in those comments.

“(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.”.

SEC. 8. EMERGENCY POWER; PRESIDENTIAL EXEMPTION; STATE AUTHORITY; WATER RIGHTS; COORDINATION.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is further amended by adding at the end the following new subsections:

“(k) Notwithstanding any other provision of this Act the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System in the event of any emergency that constitutes an imminent danger to the health and safety of the public or any fish or wildlife population, including any activity to control or eradicate sea lampreys, zebra mussels, or any other aquatic nuisance species (as that term is defined in section 1003 of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4702)).

“(l)(1) The President may exempt from any provision of this Act any activity conducted by the Department of Defense on a refuge within the System if the President finds that—

“(A) the activity is in the paramount interest of the United States for reasons of national security; and

“(B) there is no feasible and prudent alternative location on public lands for the activity.

“(2) After the President authorizes an exemption under paragraph (1), the Secretary of Defense shall undertake, with the concurrence of the Secretary of the Interior, appropriate steps to mitigate the effect of the exempted activity on the refuge.

“(m) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters not within the System.

“(n) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, or management plans.

“(o)(1) Nothing in this Act shall—

“(A) create a reserved water right, express or implied, in the United States for any purpose;

“(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge Preservation Act of 1996; or

“(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge Preservation Act of 1996 regarding water quality or water quantity.

“(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

“(p) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act.”.

(b) CONFORMING AMENDMENT.—Section 4(c) (16 U.S.C. 668dd(c)) is amended by striking the last sentence.

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in refuges in Alaska, and the determination of compatible use as it relates to subsistence uses in these refuges.

SEC. 10. NEW REFUGES.

Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88-578, for the creation of a new refuge within the National Wildlife Refuge System without specific authorization from Congress pursuant to recommendation from the United States Fish and Wildlife Service, to create that new refuge.

SEC. 11. REORGANIZATIONAL TECHNICAL AMENDMENTS.

(a) REORGANIZATIONAL AMENDMENTS.—The Act of October 15, 1966 (16 U.S.C. 668dd et seq.) is amended—

(1) by adding before section 4 the following new section:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘National Wildlife Refuge System Administration Act of 1966.’”;

(2) by striking sections 6, 7, 8, 9, and 10; and

(3) in section 4 (16 U.S.C. 668dd), as in effect immediately before the enactment of this Act—

(A) by redesignating that section as section 2;

(B) by striking “SEC. 4.”; and

(C) by inserting before and immediately above the text of the section the following new heading:

“SEC. 4. NATIONAL WILDLIFE REFUGE SYSTEM.”.

(b) CONFORMING AMENDMENT.—Section 12(f) of the Act of December 5, 1969 (83 Stat. 283) is repealed.

(c) REFERENCES.—Any reference in any law, regulation, or other document of the United States to section 4 of the National Wildlife Refuge System Administration Act of 1966 is deemed to refer to section 2 of that Act, as redesignated by subsection (a)(4) of this section.

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Strike section 10 (page 23, lines 3 through 10).

Mr. NADLER. Mr. Chairman, I rise today to offer an amendment to protect both the environment and property owners from further government micromanagement.

My amendment seeks to strike from the bill section 10, the provision calling for specific congressional authorization for the purchase of every single new wildlife refuge that uses money from the land and water conservation fund. The current system, which my amendment would retain, allows the use of funds from the land and water conservation fund to establish a wildlife refuge either by a specific act of Congress or by administrative act of the U.S. Fish and Wildlife Service.

Historically, when a refuge is being sought through the administration process, the Fish and Wildlife Service submits a list of proposed purchases to the Congress for our approval through the Interior appropriations bill. Whether a refuge is being purchased due to a specific legislation initiative or administratively, land is purchased at fair market value as determined by approved appraisal procedures according to Federal law.

The land is purchased, Mr. Chairman, only from willing sellers. While the Fish and Wildlife Service does have condemnation authority, it has not acquired land from condemnation for many years and does not have any plans to do so in the future. In fact, the Fish and Wildlife Service states:

Condemnation has been used sparingly throughout the service's land acquisition history. The service recognizes the possible social and economic impacts of acquiring private property by exercising the right of eminent domain and does its utmost to avoid using this approach.

Mr. Chairman, the era of big government is supposed to be behind us. Creating the need for Congress to authorize no specific legislation every single refuge is unnecessary and burdensome. The current process of using land and water conservation funds is working for landowners and for the environment. The landowners, who again are willing sellers, receive fair compensation quickly. In turn, the habitats and animals that are in need of protection receive it in a timely manner.

□ 1530

Adding another layer of bureaucracy, the entire congressional authorization process, to this process, will do nothing but create a backlog of pending purchases of land for refuges. Then while Congress muddles through authorizing each single potential purchase, landowners, willing sellers, would be left waiting for Congress to act to collect the funds to which they are entitled.

While the debate rages on about how to best protect property owners and the environment at the same time, we have in this amendment an opportunity to protect both property owners and the environment by providing a

way for the landowner to be fairly compensated and the environment to be protected. I urge my colleagues to protect the property owners who want to sell the land and environment, which needs the land at the same time.

Mr. BOEHLERT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, purchases made with money from the land and water conservation fund operate differently from virtually every other type of Federal land acquisition. Now, there is a legitimate reason for that. The land and water conservation fund needs to be available for emergencies. I will offer a substitute amendment to address any conceivable emergency situation.

The Nadler amendment goes a step further to extract the Congress from legitimate policy making. I think that goes too far.

The section the gentleman from New York [Mr. NADLER] is amending is already very narrow. The bill would not change the procedures for expanding any existing refuge and, with my amendment, it would not change the procedures for any emergency acquisitions of new refuges. So we are talking about very few cases where the new restriction in section 10 would apply. In those cases, it is perfectly legitimate to exercise congressional oversight. That is what the people send us here for.

I would also add that this discussion is quite hypothetical. Given the budget crunch, the Interior Department is not going to be able to manage much new land in the near future. The administration has projected in its budget that no new refuge land will be acquired in fiscal year 1997.

In short, my amendment takes care of the problem with section 10 of the original bill. Therefore, Mr. Chairman, I urge defeat of the Nadler amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding. When the gentleman talked about "your" language, he is talking about his language in the en bloc amendments that he is going to offer, is that correct?

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, it is essentially the same language, the 500.

Mr. MILLER of California. What I do not understand, I am looking at two different languages. One deals with the issue of expansion.

Mr. BOEHLERT. The staff will bring that over.

Mr. MILLER of California. The language originally, correct me if I am wrong, it was my understanding that the language in the en bloc amendment that the gentleman was going to offer went with the creation of the refuge in excess of 500 acres. This language that the gentleman is now discussing goes both to the creation and to the expansion.

Mr. BOEHLERT. That is the same language as in my en bloc amendment.

Mr. MILLER of California. The same language in the original. So is the gentleman going to offer his en bloc language to Nadler?

Mr. BOEHLERT. Because of the way this is flowing, the gentleman from New York [Mr. NADLER] is first up, his amendment was printed in the RECORD, so it is timely for me to address his specific amendment.

Mr. MILLER of California. The gentleman would in that event require the Congress' specific authorization for the expansion of an existing refuge?

Mr. BOEHLERT. No, for new refuges in excess of 500 acres, and the expansion of any of those refuges.

Mr. MILLER of California. If one looks at the second to the last line, it says "create or expand that new refuge."

Mr. BOEHLERT. That is correct. We are just talking about new refuges over 500 and if you expand those.

Mr. MILLER of California. You are grandfathering all of the existing refuges in?

Mr. BOEHLERT. That is right.

Mr. MILLER of California. They can be expanded without direct authorization. The new refuge, from today forward, if you expand that new refuge, would you require specific authorization?

Mr. BOEHLERT. That is correct.

Mr. MILLER of California. So if there was an inholding of 501 acres, we would have to get a direct authorization from Congress?

Mr. BOEHLERT. That is correct, to expand it.

Mr. MILLER of California. OK. If there is an inholding of 501 acres in an existing refuge, they can do that under the Secretary's discretion in the land and water conservation?

Half the heads are going up and down and half sideways.

Mr. BOEHLERT. None of this applies to existing refuges. What I am suggesting is as we go forward and we develop new refuges, we should have the authority to go and acquire refuges of less than 500 acres just like that, because they are time sensitive. We all know the reasons why. If we go into a massive refuge, in excess of 500 acres, I think then the Congress should have authorizing responsibility and fulfill that responsibility.

The gentleman and I, as so often on these issues, are on the same wavelength.

Mr. MILLER of California. If the new refuge needed to be expanded, it would take a direct authorization?

Mr. BOEHLERT. That is correct.

Mr. MILLER of California. If an existing refuge in existence today needs to be expanded beyond 500 acres, that would not take a direct authorization?

Mr. BOEHLERT. That is correct.

AMENDMENT OFFERED BY MR. BOEHLERT AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. NADLER

Mr. BOEHLERT. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT as a substitute for the amendment offered by Mr. NADLER: Strike the text of the amendment and insert instead:

"Strike section 10 and insert instead:

"Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88-578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of the National Wildlife Refuge Improvement Act.'".

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. I will not take up more time, because we have already had the argument for the rationale for the amendment in my exchange with the gentleman from California [Mr. MILLER].

The CHAIRMAN. The gentleman will suspend.

The amendment offered by the gentleman from New York is not in order. The gentleman from New York [Mr. NADLER] has a motion to strike. The gentleman from New York may have a substitute.

Mr. BOEHLERT. That is what I asked for. I said I had a substitute amendment.

The CHAIRMAN. The gentleman cannot have a substitute to the Nadler amendment. What the gentleman could do is have a substitute to section 10, and what Mr. NADLER's motion is is an amendment to strike section 10.

PERFECTING AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. BOEHLERT: "Strike section 10 (page 23, lines 3 through 10) and insert instead:

"Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88-578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of the National Wildlife Refuge Improvement Act.'".

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the perfecting amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, once again, the same holds true. I think we have had the discussion, the colloquy I had with the gentleman from California [Mr. MILLER], and I have made the case for the perfecting amendment. I ask that it be considered.

Mr. NADLER. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I would ask the gentleman from New York [Mr. BOEHLERT], and correct me if I am wrong, please, but as I read his whatever kind of amendment it is, if I read the perfecting amendment correctly, if I read the language, it says "The creation of a new refuge having a total area greater than 500 acres of the expansion of a new refuge of an acreage needs specific Congressional authorization," and then it says "for the purpose of this section, new refuges are refuges created after the date of enactment."

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, let me stress, the new refuge in excess of 500 acres, that is what I want Congress to have a say on. I want emergency situations taken care of, obviously, with the authority to proceed with 20, 30, 50, 100, 200 acres. Very often they are very time-sensitive. You need to grab the deal when you can get it. We are talking about a sizeable number of acres, 500 or more, where I think the elected body of the people's House should have its say.

Mr. NADLER. Mr. Chairman, if the gentleman will yield further, that may be his intent, but as I read the amendment, I think what it says, and the gentleman may not intend for it to say that, is if next year, without congressional authorization, the Fish and Wildlife Service were to establish a 200-acre refuge, which the gentleman thinks should not need congressional authorization, and 3 years later they decide they want another 20 acres, that is an expansion of a new refuge and they would need authority.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I think the gentleman is performing a very valuable public service by this colloquy, because we are enlightening future generations with this exchange.

My clear intent is to deal with new refuges of more than 500 acres, and then if you expand them. But the illustration the gentleman just gave us, 200 acres, which they have the authority to acquire immediately right now, if next year in their wisdom they decide to acquire 20 more acres, no problem, you do not have to come up to the people's House to ask our permission to do so. We do not have to have any hearings. We just proceed.

Mr. NADLER. Mr. Chairman, if the gentleman will yield further, I appreciate his explanation, and this is legislative history. But I think Mr. Scalia

and the Supreme Court and several others have scant regard for legislative history. I would submit that the plain language of the amendment says very clearly that a new refuge is a refuge created after a given date, and the expansion of a new refuge of any acreage needs congressional authorization. So "new refuge" is one of any acreage, 200 acres. If you want to expand it later by 20 more, you need congressional authorization.

That may not have been the gentleman's intent, but that is what it says. This colloquy, as enlightening a it is, I do not think will be regarded by the courts.

I would urge the gentleman, I do not agree with the amendment in any event, but I would urge him, sir, even to effectuate what he wants to do, that he ought to change the wording of the perfecting amendment.

Mr. BOEHLERT. Mr. Chairman, reclaiming my time, I think we have had a good, healthy exchange. Everyone has had the opportunity to listen to our respective points of view.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of the Boehlert amendment and compliment the gentleman in his effort.

Mr. Chairman, I object to the amendment of the gentleman from New York [Mr. NADLER] for two basic reasons. You talk about a willing seller-willing buyer. A willing buyer, yes, but not always the seller. There have been cases where Fish and Wildlife has gone into an area and drawn a refuge around different landholders in long, spidery ways, surrounding them, and then declaring the area around these private landholders as a refuge, and they are inside the refuge, being then an inholder.

Then what happens, the land value decreases dramatically from anybody else, because they are under certain restrictions because it is called a buffer zone. So what would occur under the gentleman's thoughts here would be in reality an agency willing to go in and get 499 acres around an area, and the willing seller would only have one buyer. Any time you have one buyer, and that buyer being the U.S. Government, and one owner being put in that kind of spot, it has a devastating effect on that one owner. We have seen that occur not just with this administration, but other administrations also. So this is not partisan.

We are trying to avoid that. We are allowing them to get a certain amount of acreage in an emergency case. But every other time they have got to come back to this Congress to authorize, for us to say it is the right thing to do, and not be put into the position of making the landowners subvergent to the Federal Government.

Mr. PETRI. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Wisconsin.

Mr. PETRI. Mr. Chairman, I just want to underline the importance of

the gentleman's remarks and agree with them fully, and tell the body that in my own case in the 6th District of Wisconsin years ago, Fish and Wildlife Service was acquiring land without Congressional authorization, and sending letters to landowners, farmers principally, which they thought meant they were subject to eminent domain and were being forced to sell. There were outrages and protests. Finally we heard they did not have any legal authority for doing what they did and managed to get it stopped.

I would not let this completely out of the box. I would keep some type of opportunity to review and make them justify to neutral, informed observers what they are actually doing, so we do not see Government get a little too heavyhanded.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, I am suggesting with the Boehlert amendment we have solved the problems of the emergency. But we have also put a cap on the administration or the agency itself of misusing its power as it has done in the past.

The gentleman from New York may not be aware of this, but this has occurred. All we are saying is we have a responsibility as Congressmen, and the Member of that district has the responsibility if a refuge is in fact proposed that is beyond 500 acres, then in reality they ought to come back here and talk to the chairman of the subcommittee and the Members, and especially the Member of that district. So I support the Boehlert amendment, and I definitely oppose the Nadler amendment.

□ 1545

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for his valuable support. This is a significant improvement to the bill because it allows emergency purchases of environmentally sensitive lands and that is exactly what we want to do. Keep in mind the overwhelming majority of refuges around the country are less than 500 acres.

Mr. NADLER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, first of all, I am told that the statement that was made a moment ago is not correct—408 of the 503 refuges in the country are over 500 acres. That is the first point.

The second point is that I understand the remarks of the gentleman from Alaska, but the normal procedure admittedly not followed this past year because Congress did not pass any appropriations bills, or the relevant appropriations bills, but the normal procedure is when a refuge is sought, the Fish and Wildlife Service submits a list of proposed purchases to the Congress and the Congress approves it through the committee report on the Subcommittee on the Interior appropri-

tions bill. And that that has been invariably followed, that the report language of the Subcommittee on the Interior of the Committee on Appropriations lists which refuges should be bought with the LWCF appropriation and that the committee is only appropriated enough money to cover the cost of purchasing the refuges that it lists.

Now, it is true this is not binding, but all parties have abided by this list except this past year when there was no appropriations bill and, therefore, no appropriations language.

Mr. Chairman, I would submit that rather than requiring authorizing legislation, which we know can take a long time and add whole layers of proceedings before we get a refuge, that the process we have now, where essentially Congress signs off on it through the report of the Subcommittee on the Interior, is a better way to go. And, therefore, I would oppose the gentleman's perfecting amendment.

I think that as long as we have that control through the Subcommittee on the Interior language, and maybe we ought to codify that, but the fact is that is the way we have been doing it, Congress has the control.

The second point I would make is simply again, with all due deference, the fact is the language of the perfecting amendment says very clearly that you need congressional authorizing legislation for the creation of a new refuge having a total greater than 500 acres or the expansion of a new refuge of any acreage, period; a new refuge being defined as anything created after this date.

So what that clearly means, whatever the intent of the author of the amendment and what the courts will clearly read into it, it is not interpretation, just read the clear language, it says that if a new refuge is created of less than 500 acres you do not need congressional approval for that, but for the expansion of such a new refuge a year or two later, also less than 500 acres, totaling less than 500 acres, you would need congressional authorizing approval for that.

It is clearly not what the gentleman intends but it is what the language suggests. So even if you agree with the gentleman, it should be changed before we vote on it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding, and I want to say that I think that he is correct and that I concur on the plain reading of the amendment and I have some concerns with it. And that is that when we originally discussed this, I believe the original Pombo amendment was to go to the creation of a new refuge, that Congress ought to be involved in that decision and that ought to take a direct authorization.

I think there was sort of general agreement about that, but what we

have here is not only the creation but the expansion of that new refuge. And I think what the gentleman from New York [Mr. NADLER] is reading is in fact correct on its face; and that is that any expansion, be it 20 acres or 200 acres, would require a direct authorization. I think that would be even true in the case where you have a willing seller and a willing buyer. So you would have to come back to Congress and wait around for that.

There has been the discussion of an emergency situation, but there is no reference or I do not understand the reference to an emergency situation of 20 or 30 acres, because it says quite specifically, pursuant to recommendations of the Fish and Wildlife Service to create or expand a new refuge, that it cannot be done without specific authorization of Congress. And that goes to the expansion, and there is no acreage limitation on the issue of expansion.

Very often we have willing sellers and willing buyers, either that are inholdings or on the boundary, that seek to have the purchase of their lands made. And I think in that particular case we ought not to require that to come to Congress.

So, Mr. Chairman, I would hope prior to either the acceptance of this amendment, or if it would be voted on or what have you, I do not know if it would be prevailed on or not; but I think that language should be corrected because I think it is going to be an obstacle. And if we are concerned, and I think in our committee we had some legitimate concerns raised—

The CHAIRMAN. The time of the gentleman from New York [Mr. NADLER] has expired.

(On request of Mr. MILLER of California, and by unanimous consent, Mr. NADLER was allowed to proceed for 2 additional minutes.)

Mr. NADLER. I continue to yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, where we had the notion of creating a new refuge, and some of that may or may not have been speculative in nature, and landholders did not know what was going to happen or not happen, and that the authorization was a way to tell people what their situation was with respect to the creation of that. It is not a speculation that could go on year after year after year after year and inhibit people's ability to possibly use or sell their land.

But I think this amendment goes way beyond that. I think this amendment does not do what the author wants it to do and it ought to be reconfigured certainly with respect to the problems regarding expansion.

I thank the gentleman for yielding.

Mr. NADLER. Mr. Chairman, reclaiming my time, I would point out simply that the language of this amendment says the expansion of a new refuge of any acreage. That clearly means a new refuge that is less than 500 acres. If we want to expand it by 32

acres or 60 acres, it requires the authorization of Congress. And if the gentleman did not intend that, I would hope the gentleman would change by unanimous consent his own amendment to make clear what he does intend because the language is very clear.

Mr. POMBO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as the gentleman from California [Mr. MILLER] knows, when this bill originally came up before the committee and my amendment was offered to restrict the creation of a new wildlife refuge without the direct authorization of Congress, it met very little resistance in the committee and, in fact, passed on a voice vote in the committee; because it only made common sense that if we are obligating funds, taxpayer money, if we are obligating Federal funds from a Federal account, that Congress and the authorizing committee, of which the gentleman from California [Mr. MILLER] is the ranking member, and the gentleman from Alaska [Mr. YOUNG] is the chairman, ought to have the ability to ask questions about what the priorities are.

There are limited amounts of money that can be expended every year. So it is extremely important that we prioritize where those dollars are going to be spent, what scientific basis there is for creating that refuge, where they want to create it, and that Congress does take that authorization stance.

Now, the gentleman from New York [Mr. NADLER] brought up that Congress does appropriate the money and it does come through the Subcommittee on Interior appropriations, which is correct. That does happen. But the reason that it happens that way is because Fish and Wildlife goes out, creates a new refuge somewhere, with no congressional oversight whatsoever, obligates the U.S. taxpayer to millions of dollars to purchase that refuge, plus additional operating expenses to continue to maintain that refuge on an annual basis, and our property owners come to us and say, look, we have just been put in the middle of a wildlife refuge. I am now a willing seller because I cannot use my property anymore; or I live under restrictions of the Fish and Wildlife Service now and the only person that will purchase my property now is the Federal Government because they have just designated me a wildlife refuge. So we have to go to the Committee on Appropriations and say, please buy these people's land that we have already taken.

There is absolutely nothing wrong with congressional oversight. There is nothing wrong with the U.S. Congress doing the job that they are supposed to be doing, and that is watching over the people's money.

I do not understand, Mr. Chairman, how anybody could come down here and seriously say that we should create wildlife refuges, for example, according to Fish and Wildlife Service they pur-

chased a little over 1,200 acres in California last year for a wildlife refuge at the cost of \$10.5 million. Now, that is a lot of money. They did that without any congressional oversight whatsoever, without us determining whether or not this was a priority site. And it may have been a priority site, but Congress ought to take an affirmative step, step in and say whether or not it is a priority, whether or not the science backs it up or whether or not there may be someplace else that is a higher priority.

To have someone seriously say that Congress should not, and should abdicate its responsibilities and let the unelected bureaucrats, the unelected faceless, nameless bureaucracy take control of money that should be under the direct control of Congress, I do not understand. This is a very important issue. This is not just something that someone came up with at night.

Now, Mr. Chairman, the gentleman from New York [Mr. BOEHLERT] and I have disagreed on a lot of things. He came in with concerns about this and we sat down and we worked out an agreement, and we said anything over 500 acres, or if they want to expand that new refuge so that in 1 year they do not come in and say we are going to buy 490 acres and the next year we are going to expand it with 10,000 acres. We felt this was a reasonable compromise. We felt it was something everyone should support and it should be totally noncontroversial.

Mr. Chairman, when the gentleman from New York [Mr. BOEHLERT] and I are on the same side of something, it should be noncontroversial. It is a good amendment that should pass, and I believe that Congress should not abdicate its responsibilities and we should have full oversight authority over these refuges.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. POMBO. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I want to point out that this is consistent with the existing policy that the Secretary of the Interior is already familiar with as it pertains to national parks. If there is going to be an addition to the national parks, the Secretary of the Interior is used to coming to Capitol Hill to get the authorization.

Mr. POMBO. Mr. Chairman, reclaiming my time, that is absolutely correct. If we want to add to a national park, which may be very important and it may be a priority, Congress must approve that in order to do it. If we want to add to the Forest Service lands, they have to come to Congress to do it. But in this one instance we do not have to do that, and we are trying to correct an oversight.

The CHAIRMAN. The time of the gentleman from California [Mr. POMBO] has expired.

(By unanimous consent, Mr. POMBO was allowed to proceed for 1 additional minute.)

Mr. POMBO. Mr. Chairman, I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding to me.

I want to know if the gentleman from California [Mr. POMBO] and the gentleman from New York [Mr. BOEHLERT], regardless of the merits of the entire question, would at least agree to a unanimous-consent request to amend Mr. BOEHLERT's amendment to make it do what he says it would do; so to say it would then read, withstanding any other provision of law, no funds would be expended, et cetera, et cetera, for the creation of a new refuge for a total area greater than 500, or the expansions of any refuge of any acreage that would result in the new refuge than being 500 or more acres.

If the gentleman put in that language, it would at least make clear it would do what the gentleman from New York [Mr. BOEHLERT] says he intends to do and do what the gentleman from California [Mr. POMBO] seem to want to do.

Mr. YOUNG of Alaska, Mr. Chairman, will the gentleman yield?

Mr. POMBO. Mr. Chairman, reclaiming my time, I yield to the chairman, the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska, Mr. Chairman, my problem is the gentleman from New York spoke so fast and said et cetera, et cetera, et cetera. When I see a few et ceteras, I get a little concerned.

Mr. MILLER of California, Mr. Chairman, I move to strike the requisite number of words and I yield to the gentleman from New York [Mr. NADLER].

□ 1600

Mr. NADLER. Mr. Chairman, what I am proposing is that the gentleman would amend the amendment to read as follows: Notwithstanding any other provision of law, no funds may be expended from the land and water conservation fund established by Public Law 88-578 for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage that would result in the new refuge having a total land area greater than 500 acres within the national wildlife refuge system, and so forth.

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California, I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, I will accept that. In the spirit of comity, two New Yorkers working something out, that is very positive and very constructive.

The CHAIRMAN. The Chair would point out that if there is to be a modification by unanimous consent, the gentleman from New York [Mr. BOEHLERT] may request unanimous consent to modify his amendment. That amendment modification must be submitted in writing.

MODIFICATION OF PERFECTING AMENDMENT
OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the perfecting amendment be modified as proposed by the gentleman from New York [Mr. NADLER] and that the modification be adopted.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of perfecting amendment offered by Mr. BOEHLERT:

In lieu of the matter proposed insert "Strike section 10 and insert instead:

"Notwithstanding any other provision of law, no funds may be expended from the Land and Water Conservation Fund established by Public Law 88-578, for the creation of a new refuge having a total area greater than 500 acres or the expansion of a new refuge of any acreage that would result in the new refuge have an acreage of more than 500 acres within the National Wildlife Refuge System without specific authorization of Congress pursuant to a recommendation of the United States Fish and Wildlife Service, to create or expand that new refuge. For purposes of this section, a new refuge is a refuge created after the date of enactment of this act.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. The perfecting amendment is modified.

The question is on the perfecting amendment offered by the gentleman from New York [Mr. BOEHLERT], as modified.

The perfecting, as modified, was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BOEHLERT:

COORDINATION AREAS

In section 6, in the matter proposed as section 4(d)(3)(A) of the National Wildlife Refuge System Administration Act of 1966, add at the end the following new clause:

"(iv) A new use of a Coordination Area first made available to a State after the date of enactment of the National Wildlife Refuge Improvement Act of 1996 may not be initiated or permitted unless the Secretary determines that the use is a compatible use.

In section 6, in the matter proposed as section 4(d)(3)(B) of the National Wildlife Refuge System Administration Act of 1966, after "a use" the first place it appears insert "of a refuge".

COMPATIBILITY OF FISHING AND HUNTING

In section 3(a)(2), in the matter amended to read as section 4(1) of the National Wildlife Refuge System Administration Act of 1966, strike "the purposes of the System specified in section 4(a)(3)" and insert "the overall mission and purposes of the System specified in sections 4(a)(2) and (3), respectively,".

In section 6, in the matter proposed as section 4(d)(3)(A)(iii) of the National Wildlife Refuge System Administration Act of 1966, after "uses" insert "(consistent with the purposes of the System under subsection (a)(3))".

In section 8(a), strike the close quotation marks and the second period at the end, and add the following new subsection:

"(q) Nothing in this Act shall be construed as requiring or prohibiting fishing or hunting on any particular refuge except pursuant to a determination by the Secretary in accordance with this Act.".

Mr. BOEHLERT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. BOEHLERT. Mr. Chairman, the purpose of this amendment is to eliminate some legitimate concerns that have been raised about this bill. We want to ensure that this bill strengthens the refuge system and it is built to carry out its vital conservation mission. I think this package of amendments will accomplish that objective.

The amendment addresses three problems with the bill as reported out of the Committee on Rules. That bill, by the way, was a significant improvement over the version that was reported out of the Committee on Resources originally.

The first problem concerns coordination areas. These are Federal lands that are managed by the States. Now, neither we nor anyone else I know of has any problem with the concept of cooperative management. But we want to ensure that no one can ever use coordination areas as a back door way to allow damaging activities on refuges. The refuge system is Federal, and Federal standards are essential.

The first amendment in this package makes it clear that coordination areas have to be managed using the same standards as refuges. As a practical matter, what that means is that if some use, say jogging, was not permitted in a refuge because it would damage the wildlife and a piece of that refuge became a coordination area, jogging would still be forbidden.

I should add that this applies only to coordination areas created by the transfer of land after the bill is signed into law. We are not interfering with any existing agreements between the Federal Government and any State.

The second problem addressed by this package is the key issue of when wildlife dependent recreation, hunting, fishing, wildlife observation, and so forth, when that recreation is permitted at the refuge. Over the years the Fish and Wildlife Service has struck a delicate balance between protection of species and human enjoyment of the refuge. By and large, no one I have spoken to has a problem with that balance, not sportsmen, not environmentalists. Everyone wants to protect the balance. But the language in this bill could be interpreted as throwing aside that balance and replacing it with a new one that could be damaging to wildlife protection.

That would be intolerable. My amendment is designed to ensure that no one will ever interpret the bill in that matter. The amendments, there

are three of them, make clear that recreational activities can be permitted only when the secretary determines that they would not detract from the overall mission of the refuge system. That is conservation.

The amendment makes clear that we are still requiring a balancing act here, that recreational activities can occur only when they would cause no harm. Let me repeat that: Recreational activities can occur only when they would cause no harm.

I would like to engage the gentleman from Alaska [Mr. YOUNG] in a colloquy on this essential point.

I appreciate the willingness of the Committee on Resources to work with us on this amendment, but I would like to clarify some issues. As I understand it, this bill is not intended to require that wildlife dependent recreation be allowed on every refuge; is that correct?

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. BOEHLERT. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, the gentleman is correct. The bill is intended to make it clear that wildlife dependent recreation must be allowed when it would not detract from the other purposes of the refuge system. It does not require that recreational activities always be allowed.

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman.

What we all are looking for is a balancing act here between protecting species and allowing the public to enjoy the species that have been protected. Just to reemphasize that point, I would ask the chairman this question: Does the elevation of compatible wildlife dependent recreation to a purpose mean that hunting and fishing and wildlife observation and other recreational activities must always be permitted in the refuge?

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, once again, it does not.

Mr. BOEHLERT. I thank my distinguished chairman.

Mr. Chairman, I thank my colleagues for their indulgence. I also would like to thank the gentleman from Florida [Mr. GOSS], the cosponsor of this amendment, who is much more intimately familiar with the details of some of these issues than I am. He has lived with this for a long time. Mr. GOSS and his staff have provided invaluable guidance on this issue.

Mr. Chairman, let me give particular credit to my own staff. This may be viewed as a self-serving declaration, but I happen to think I have got one of the best staffs anywhere in Capitol Hill. Two of those valued members, three of them are sitting right here with me: David Goldston, my legislative director; Jeff More, who is my professional staff member on the Committee on Transportation and Infrastructure Subcommittee on Water Resources and Environment; and Dr. Natalie D'Nicola,

who is a science fellow. We have science-based decisionmaking in our office.

The CHAIRMAN. The time of the gentleman from New York [Mr. BOEHLERT] has expired.

(By unanimous consent, Mr. BOEHLERT was allowed to proceed for 30 additional seconds.)

Mr. BOEHLERT. Mr. Chairman, this is a difficult issue in which the future survival of species and the availability of open land for the American people are at stake. This amendment, I believe, restores a sense of balance that was lacking in the original bill. I urge my colleagues to support the amendment and the bill as amended.

The CHAIRMAN. The Chair will clarify for the record, the adoption of the previous Boehlert amendment had the effect of causing the Nadler amendment, which was an amendment to strike, to fall and, therefore, that amendment would not be voted on because of the passage of the first Boehlert amendment, and the question is now on the pending Boehlert amendment.

PARLIAMENTARY INQUIRY

Mr. NADLER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NADLER. Mr. Chairman, would the Chair restate that? I could not follow what the Chair was saying.

The CHAIRMAN. As stated on page 233 of the House Rules and Manual, when a motion to strike out a section is pending and the section is perfected by an amendment striking and inserting to rewrite the entire section, the pending motion to strike out must fall, since it would not be in order to strike out exactly what had been inserted. Therefore, by adoption of the Boehlert amendment as modified, the Nadler amendment fell and, therefore, the Committee did not vote on the Nadler amendment to strike.

Mr. NADLER. Mr. Chairman, bottom line, the language that we all agreed to is now in the bill?

The CHAIRMAN. The gentleman is correct.

Mr. NADLER. I thank the Chair.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes. I simply have an inquiry of the gentleman from New York. I assume that the language in the gentleman's en bloc amendment that dealt with the same subject that we dealt with a moment ago is no longer in your amendment?

Mr. BOEHLERT. Mr. Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Chairman, that is correct.

Mr. NADLER. I thank the gentleman.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, in an effort to finetune the bill before us, we are offer-

ing our amendment to address three specific concerns raised about H.R. 1675. Frankly, these are concerns raised by some who may oppose the bill altogether. However, it has been our approach to sit down with the interested parties, roll up our sleeves and attempt to solve the problems with the legislation in a reasonable and workable manner. Many Members and their staff have spent hours working out the details of this amendment, and we are grateful for the cooperation shown by Chairman YOUNG and SAXTON in getting to this point.

Mr. Chairman, the heart of our amendment addresses three issues:

First, what is the role of the hunting, fishing, and wildlife observation in the refuge system?

Second, how much freedom should the Fish and Wildlife Service have in establishing—and expanding—refuges without congressional approval?

And third, what safeguards exist to ensure that the management standards of existing refuges are maintained if the management authority is put in the hands of an individual State?

In my remarks during the rule, I mentioned the legacy of J.N. "Ding" Darling—a hunter who was a steadfast conservationist. He understood that given the proper balance, hunting and conservation were compatible. The clarifications in the Boehlert-Goss amendment aim to achieve that balance, and indeed, clarify that hunting, fishing, and wildlife observation are legitimate options in some of our refuges, as long as they are compatible with the overall higher mission of conservation and preservation of wildlife.

The second issue involves the authority of the Fish and Wildlife Service to use the land and water conservation fund to establish new refuges. It is the case that unlike all other uses of the LWCF, Fish and Wildlife is not required to seek any specific authorization to establish a new refuge. I agree that Congress has the responsibility to exercise better oversight over these funds, but the broad nature of the bill language in this area has caused some concern. Our amendment would still give Fish and Wildlife the flexibility to purchase areas of 500 acres or less, while ensuring that major expenditures of taxpayer dollars are subjected to the normal, established budget process.

Finally, the last concern takes care of a consistency issue, and would ensure that land set aside for wildlife purposes today—under the wildlife refuge system—continues to be managed in a responsible manner should authority for that refuge be given to a State agency.

Again, these are not dramatic changes, but they are significant clarifications—and I would hope that my colleagues would support them.

□ 1615

Mr. Chairman, I would like to say that the cooperation on this bill I think proves once again that the envi-

ronment does not know partisanship and the environment should not know extremism. There are sensible, well-balanced answers to these matters, and we are offering them in this amendment.

I thank the gentleman who have taken the opportunity to get us this far. I admire them for their persistence and patience.

Mr. GILCHREST. Mr. Chairman, I move to strike the requisite number of words and I rise in support of the amendment.

Mr. Chairman, I rise in support of the substitute under consideration, as modified by the Boehlert amendment, because I think the Boehlert amendment and the substitute improve existing law. I am going to support the bill, as amended.

The bill represents a significant effort to factor environmental interests into the balance, and I compliment the gentleman from Alaska [Mr. YOUNG], and the gentleman from New York [Mr. BOEHLERT], for their effort.

First, the problematic section of the State management of coordination areas is resolved by the amendment requiring that management of those areas meet the compatibility standard. We just went through an interesting debate about whether or not 500 acres should come before this House to be authorized, and I think that was clarified and that was debated and more clearly understood.

Finally, my greatest concern is that we remember the reason we have refuges in the first place. First and foremost is for conservation of wildlife and plants. Whether the purpose for that conservation is to provide hunting and fishing opportunities, to preserve endangered species or to save wild spaces so our children in this world can know that there is something more than cars, pavements and sidewalks, this bill, the mission of this bill, is for conservation. The Boehlert amendment insures that compatibility means compatibility with the conservation mission.

Mr. Chairman, the last two Congresses have seen a stalemate on environmental issues which has benefited neither landowners, nor industry, nor environment, nor conservation. We have seen both sides occasionally trip over their hyperbole, and the mistrust that has grown has made consensus impossible.

This admittedly imperfect bill at least contains a tremendous attempt at consensus, and for that reason I believe it deserves our support.

It should come as no surprise that generally, I believe, good science is critical for environmental legislation. I also recognize that good environmental legislation has always been developed by consensus.

The bill before us will do no practical harm to the refuge system, and if it can become the first step toward building a consensus on conservation issues, then it does a tremendous amount of

good, and I urge support for the amendment and I urge support for the adoption of the bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BOEHLERT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MRS. LINCOLN

Mrs. LINCOLN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. LINCOLN: At the end of the bill add the following new section:

SEC. —. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

After section 2 of the Act, as redesignated by section 11(a)(3) of this Act add the following new section:

"SEC. 3. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

"(a) IN GENERAL.—The Secretary shall accept from any qualified State donations of services of State employees to perform in a refuge, in a period of Government budgetary shutdown, fish- and wildlife-dependent recreation management functions otherwise authorized to be performed by Department of Interior personnel.

"(b) LIMITATIONS.—An employee of a State may perform functions under this section only—

"(1) within areas of a refuge that are located in the State; and

"(2) in accordance with an agreement entered into by the Secretary and the Governor of the State under subsection (c).

"(c) AGREEMENTS.—

"(1) IN GENERAL.—For purposes of this section, the Secretary may enter into an agreement in accordance with this subsection with the Governor of any State in which is located any part of a refuge.

"(2) TERMS CONDITIONS.—An agreement under this subsection shall—

"(A) contain provisions to ensure resource and visitor protection acceptable under the standards of the United States Fish and Wildlife Service;

"(B) require that each individual performing functions under the agreement shall have—

"(i) adequate safety training;

"(ii) knowledge of the terrain in which the individual will perform those functions; and

"(iii) knowledge of and adherence to Federal regulations relating to those functions; and

"(C) specify other terms and conditions under which a State employee may perform such functions.

"(d) EXCLUSION FROM TREATMENT AS FEDERAL EMPLOYEES.—A State employee who performs functions under this section shall not be treated as a Federal employee for purposes of any Federal law relating to pay or benefits for Federal employees.

"(e) ANTI-DEFICIENCY ACT NOT APPLICABLE.—Section 1341(a) of title 31, United States Code, shall not apply with respect to the acceptance of services of, and the performance of functions by, State employees under this section.

"(f) DEFINITIONS.—In this section—

"(1) the term 'Government budgetary shutdown' means a period during which there are no amounts available for the operation of the System, because of—

"(A) a failure to enact an annual appropriations bill for the period for the Department of the Interior; and

"(B) a failure to enact a bill (or joint resolution) continuing the availability of appropriations for the Department of the Interior for a temporary period pending the enactment of such an annual appropriations bill; and

"(2) the term 'qualified State' means a State that has entered into an agreement with the Secretary in accordance with subsection (c)."

Mrs. LINCOLN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Arkansas?

There was no objection.

Mrs. LINCOLN. Mr. Chairman, my amendment to H.R. 1675 would alleviate the burdens faced by our constituents during Federal governmental shutdowns.

This Congress has seen two shutdowns that have adversely affected individuals wishing to use our wildlife refuges. In Arkansas, the first shutdown occurred during a 4-day deer hunt and the second occurred right in the middle of duck hunting season. Hunters had scheduled family vacations and purchased hunting permits, only to be turned away from the gates.

This did not need to happen. Officials at the Arkansas Game and Fish Commission volunteered their services when a shutdown was imminent, and had actually signed an agreement with the Fish and Wildlife Service in Atlanta. However, right before the shutdown, Interior Department attorneys determined that this agreement was not allowed under current law.

My amendment fixes this problem. If this language is adopted, States will be able to step in for the Federal Government for all fish- and wildlife-dependent recreational management activities only during governmental shutdowns if they have a prior agreement with the Department of the Interior. This amendment would not allow the States to conduct commercial management functions such as timbering, haying, or grazing. Such agreement would ensure both the protection of the land and the people using the refuge by demanding proper safety training, knowledge of the local terrain and knowledge of the Federal regulations by State employees before they take over Fish and Wildlife Service's duties.

This amendment has the support of the Congressional Sportsmen's Caucus, the Congressional Sportsmen's Foundation, B.A.S.S., Ducks Unlimited, and the International Association of Fish and Wildlife Agencies.

We should never encourage the closure of our Federal Government. However, these shutdowns periodically arise and there should be a plan in place to address such occurrences.

Additionally, because the Federal budget and appropriations process concludes at the end of September, if the

Government closes, it oftentimes occurs during the time where the demand for access to these lands for hunting and other recreational activities is quite high. I know that the constituents in the First District of Arkansas look forward to using the refuges during the fall and early winter and many have planned family vacations around the hunting seasons.

Lack of funding for the refuges and reduced access due to Government closures may also jeopardize public support for the Refuge System. Hunters who have invested a lot of money in the purchase and management of these refuges may look elsewhere for their needs if their access to the lands is diminished or becomes unpredictable.

As my friend, the gentleman from Michigan [Mr. DINGELL], stated, I am a strong conservationist and a hunter, and I certainly urge my colleagues to support this simple, commonsense amendment.

Mr. MILLER of California. Mr. Chairman, I rise in support of the amendment and to say that we have looked at this amendment and we do not object to the acceptance of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to congratulate the gentlewoman from Arkansas [Mrs. LINCOLN] on this amendment. It is long overdue. The administration supports this amendment. It is something we should have in the tools to make sure that what happened last October, November, December should not occur again because the agency said it could not be done legally. This amendment takes care of that problem.

I strongly support the amendment.

Mr. Chairman, I have carefully reviewed the amendment offered by our distinguished colleague from Arkansas [BLANCHE LAMBERT LINCOLN].

I intend to support this amendment and I compliment our colleague for the many months of hard work she has spent perfecting this language.

Under the terms of this amendment, a State would be able to enter into an agreement with the Secretary of the Interior for the purpose of allowing State employees to operate units of our Federal Wildlife Refuge System should, in the unlikely event, a Government budgetary shutdown occur in the future.

These employees will have to receive adequate safety training, be knowledgeable about the terrain of the particular refuge unit, and adhere to all appropriate Federal regulations.

While it is unclear whether these agreements will ever be necessary, it is an innovative approach and it provides the kind of legislative fail-safe that the Secretary should have administratively used last winter to save our States thousands of dollars of lost hunting revenues.

Finally, I am pleased that this language has been expanded to include not only hunting but also fishing, wildlife observation, and environmental education. There are millions of Americans who regularly enjoy these forms of wildlife-dependent recreation, and this amendment will help to ensure that our Nation's refuge doors remain open in the years ahead.

It is my understanding that the administration has no objection to this System-wide solution and I urge an "aye" vote on the Lincoln amendment.

Mr. HAYES. Mr. Chairman, last year, I stood in this well on several occasions regarding dubious actions taken by the Department of the Interior.

On the first occasion, I was addressing a comment made by Secretary Babbitt in which he mistakenly referred to my party affiliation. While the Secretary was wrong when he made his statement, as we will know, his prophecy has come to pass.

The second instance during the debate on H.R. 450, the Regulatory Transition Act, dealt with threats by the United States Fish and Wildlife Service [USFWS] to potentially delay the opening of migratory bird hunting seasons. During the Government shutdowns this winter, the Department of the Interior was at it again—holding hunters and fishermen hostage during the Government shutdown even though many States, like my home State of Louisiana, agreed to keep the Federal wildlife refuges open.

In fact, a satellite office of the USFWS solicited Louisiana Department of Wildlife and Fisheries assistance in maintaining smooth operation of Federal refuges in preparation for the first Government shutdown. But, Department of the Interior lawyers in Washington told the State they could not proceed. Clearly, the best interests of the wildlife and recreation on the refuges were being seriously overlooked.

The USFWS also specifically requested that these same State officials promulgate special regulations to extend deer season 2 additional days over the weekend of January 6 and 7 due to the first shutdown. After the State did so at its own expense, those additional days and the importance of hunting to Louisiana's economy were again threatened during the second shutdown by the same Department of Interior lawyers.

This amendment today would clarify the States' authority to rectify the underlying problem leading to these situations.

The Lincoln amendment would require the Secretary of the Interior to accept voluntary services of state employees in the operations of National Wildlife Refuge units during any period of Federal budgetary shutdown for the management of hunting, fishing, and other recreational activities authorized on each refuge. States and the Department of the Interior would have to have an agreement in place prior to any shutdown.

The 17 Federal refuges in Louisiana are an integral part of the over \$630 million in annual direct and indirect revenue that hunting brings into our State's economy. In fact, as much as one-third of the economies of several of the coastal parishes I represent are dependent on tourism related to hunting activities. Without the continued management of these refuges, the very lives and livelihoods of the people in these Parishes are at risk. While I do not advocate the general principle of shutting down the Federal Government, I refuse to allow Secretary Babbitt to jeopardize my constituents and their interests.

I urge my colleagues to adopt the Lincoln amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mrs. LINCOLN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Mr. DINGELL. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise for purposes of engaging in a colloquy with my dear friend, the gentleman from Alaska.

Mr. Chairman, I would like to ask my good friend from Alaska to engage in a colloquy with me with regard to the existing reserve water rights on the national refuge system under H.R. 1675.

Mr. Chairman, I am concerned that a statement of the committee report on H.R. 1675 would be interpreted by some to mean that this bill eliminates, waives, or concedes existing Federal water rights which currently attach to lands which were previously withdrawn from the public domain from old military bases or from other lands owned by the Federal Government for use as refuges.

The statement I am referring to is on page 11 of the committee report and defines the term refuge under section 3(a) of H.R. 1675.

In particular, this section of the Report states that "Federal reserved water rights do not constitute 'interests' within the meaning of the term 'refuge'." This statement appears to be contrary to the language in Section 7(a) of H.R. 1675 which addresses the status of various water rights under the original 1966 Refuge Administration Act and H.R. 1675. I would like to ask the gentleman from Alaska a series of questions to clarify the intent of the Committee with regard to these matters.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I would be pleased to answer the question and provide clarification of this issue to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, section 8(a) of H.R. 1675 would establish a new subsection 4(n)(1) in the Refuge System Administration Act to address the general question of water rights within the refuge system. This subsection appears to contain two important statements affecting reserved water rights in particular.

First, the subsection contains a disclaimer stating that nothing in H.R. 1675 should be interpreted as creating any new reserved water rights within the refuge system.

Is that an accurate interpretation of the legislation before us?

Mr. YOUNG of Alaska. Yes, this provision of the bill you are referring to is intended to clarify that no new reserved water rights are created for wildlife refuges as a result of the passage of this bill.

Mr. DINGELL. Second, this subsection contains another disclaimer

stating that nothing in the bill should be interpreted as affecting any refuge water right in existence on the date of enactment of H.R. 1675. I interpret this provision to mean that nothing in H.R. 1675, including the definition of "refuge" in section 3(a), is intended to override, cede, or extinguish any refuge reserved water right which may have been previously created by a past land withdrawal for wildlife refuge purposes.

Is that the gentleman's intent and interpretation of this provision as well?

Mr. YOUNG of Alaska. Yes, the gentleman from Michigan is correct. This provision is intended to maintain the status quo with regard to existing reserved water rights in the system, and to clarify that reserved water rights previously created at the time of withdrawal of these lands for refuge purposes will not be expanded nor restricted, diminished, or eliminated due to the passage of H.R. 1675. As a result, refuge reserved water rights will remain exactly in the same position as they are today if H.R. 1675 becomes law.

Mr. DINGELL. I want to thank my good friend, and I have further questions: Therefore, it was the intention of my good friend that the exclusion of reserved water rights in the definition of the word "refuge" in section 3(a) of the substitute bill was designed to limit the geographic boundaries of a given refuge rather than to cede or extinguish any reserved water rights which might otherwise be asserted within the system?

Mr. YOUNG of Alaska. Again, the gentleman from Michigan is absolutely correct. The exclusion of reserved water rights in the definition section of H.R. 1675 is intended to impose a limitation on the geographic boundaries of individual refuges and is not intended to override the disclaimer protecting existing water rights in section 8(a) of this bill.

Mr. DINGELL. Finally, I am concerned that section 5 could be interpreted in a way which may limit or prohibit future Federal action to protect the system by its call for acquisitions under State law. Could the gentleman inform me how this provision would affect the current balance of Federal and State interests in the refuge system?

Mr. YOUNG of Alaska. This provision in section 5, like the rest of H.R. 1675, is intended to recognize long-established Federal-State relationships. States have traditional primacy regarding the allocation of water resources, and this merely directs the Secretary to use appropriate State forums in those cases where water is to be acquired for refuge units. This section should not be construed to otherwise alter or diminish the interests of the Federal Government as it pertains to ownership of or management authority for the National Wildlife Refuge System.

Mr. DINGELL. I want to thank the gentleman from Alaska [Mr. YOUNG], my dear friend.

The CHAIRMAN. The time of the gentleman from Michigan [Mr. DINGELL] has expired.

(By unanimous consent, Mr. DINGELL was allowed to proceed for 5 additional minutes.)

Mr. DINGELL. Mr. Chairman, I have some further questions of the gentleman from Alaska, and they relate to the question of open until closed.

Mr. Chairman, since the Resources Committee finished consideration of the legislation before us, considerable confusion has arisen over section 6 of the substitute. Specifically, I am referring to paragraph (3)(a)(2), which specifies that existing and compatible wildlife-dependent uses of a refuge are allowed to continue, on an interim basis, on lands added to the System once the legislation before us is enacted into law.

Would the gentleman please explain to us the intention of this paragraph in section 6?

□ 1630

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield further, this provision is intended to address a longstanding concern about a policy of the Fish and Wildlife Service where new refuge lands are "closed until opened." Accordingly, all pre-existing uses are terminated when land is acquired by the Fish and Wildlife Service. This has created conflict at many refuges where sportsmen accustomed to using these lands suddenly find them closed for an unpredictable amount of time.

The purpose of this paragraph, which inserts new language in section 4(d)(3)(b)(x) of the National Wildlife Refuge System Administration Act, is to create the presumption that when the Fish and Wildlife Service brings new lands into the System, compatible wildlife recreation activities ought to be allowed to continue unless the Secretary makes a determination before the acquisition that such activities are not compatible with the purposes of the System.

Mr. DINGELL. There has been much discussion from interested parties about the fact that any recreational use would be allowed to continue on new refuge lands. Is this a correct reading of the bill?

Mr. YOUNG of Alaska. No, it is not. This provision applies only to wildlife-dependent use of a refuge. This includes fishing, hunting, wildlife observation and environmental education.

Mr. DINGELL. In that case, other activities such as the use of all-terrain vehicles, jet skis, and other uses are not covered under this provision?

Mr. YOUNG of Alaska. The gentleman is correct.

Mr. DINGELL. Is it correct to read this "open-until-closed" provision as applying only to lands brought into the National Wildlife Refuge System after this legislation is enacted?

Mr. YOUNG of Alaska. Yes, the bill states very clearly that only wildlife-dependent uses are permitted to continue only on lands added after the date of enactment of this bill. Wildlife-dependent recreation is expected to occur on existing refuge lands if the Secretary determines that the activities meet three requirements: first, they are consistent with the principles of sound fish and wildlife management; second, they are compatible with the purposes of the System; and third, they are consistent with public safety.

Mr. DINGELL. I am concerned and I want this clear on the Record. It is correct that the Secretary will retain significant discretion regarding the authorization of such activities on existing refuge lands?

Mr. YOUNG of Alaska. Once again, the gentleman is correct. Refuge lands may be closed for any one of three reasons specified in the bill thereby providing the Secretary with appreciable discretion. In essence, we are creating a rebuttable presumption that wildlife-dependent recreation is compatible unless it is contrary to one of these principles. This approach is conceptually the same as articulated by Secretary Babbitt to the Congressional Sportsman's Caucus in September 1994.

Mr. DINGELL. I would like to direct the gentleman's attention to the term compatible use. Under section 3 of the bill, concerns have been raised that the definition of "compatible use" will alter the intent and administration of the Refuge Recreation Act of 1962. Will the gentleman please enlighten the House as to his intent with regard to the definition of "compatible use?"

Mr. YOUNG of Alaska. First, I want to make clear that no provision of H.R. 1675 should be read or interpreted as altering in any way the purposes or administration of the Refuge Recreation Act of 1962. Second, the term "compatible use" is defined in a way that codifies an existing definition used by the Fish and Wildlife Service for many years, using reliable scientific information for reaching compatibility decisions.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Alaska who has helped me greatly with the concerns that I have had on this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just in closing would like to thank the gentleman from Michigan. He was the father of the Refuge Act as far as this Congress goes and what occurred in the past. He has been very supportive. His staff has been extremely supportive.

But more than that, JOHN DINGELL has been a true sportsman all through the career I have known him. He has gone to Alaska. He has participated in Alaska sporting activities. He has seen what can be done and what should be done, and it is truly a conservation award that he should be receiving with this legislation.

What we have done here today is trying to improve the Act to make sure

that we gain that support for a bill that has worked very well in the past, a position that can be worked well in the future. This working together can work for the conservation and for the sportsmen of America.

Mr. Chairman, today we are considering a substitute for H.R. 1675, the National Wildlife Refuge Improvement Act of 1996. This substitute is the result of many months of hard work and negotiations with the Department of Defense and Interior, interested Members, and many outside groups, and it goes a long way towards resolving concerns the administration had about earlier versions of the bill.

The National Wildlife Refuge System contains 508 wildlife refuges located throughout the United States, and comprises 91.7 million acres of Federal lands. These refuges are multiuse lands that offer recreational opportunities to millions of Americans each year. In fact, fishing and hunting occurs on over half of the refuges, more than 90 percent of the acreage in the System. Nearly 30 million people visit refuges each year to observe wildlife and over 50,000 students enjoy environmental education activities.

Over the last 30 years since the last major refuge reform legislation was enacted, a series of government reports and congressional hearings have found that the System needs a more standardized, centralized management regime. This bill addresses these findings. Under current law—the Refuge Recreation Act of 1962 and the National Wildlife Refuge Administration Act of 1966: there is no statutory list of purposes for the National Wildlife Refuge System; there is no statutory definition of what constitutes a "compatible use" of a refuge. As a result, individual refuge managers have broad discretion to prevent certain recreational activities and they are subject to tremendous pressure from various interest groups; refuges are not managed as a national system because of the lack of centralized guidelines from the Fish and Wildlife Service; secondary uses, such as fishing and hunting, are prohibited on new refuge lands until boundary studies, environmental assessments, and management plans are completed. This can take years; when a compatibility determination is made by a refuge manager, the public is denied any opportunity to comment on proposed changes or restrictions; and there is no requirement to complete comprehensive conservation plans for any of the 508 refuges. In fact, the Fish and Wildlife Service admits that it has completed such plans for only a fraction of all refuges.

The Young-Dingell substitute solves these problems. It establishes a nationwide set of purposes for the refuge system. These purposes are: (1) to provide a network of lands and waters to conserve fish, wildlife, and plants and their habitats; (2) to conserve, manage, and restore fish and wildlife populations, plant communities, and refuge habitats; (3) to conserve and manage migratory birds, interjurisdictional fish species, and marine mammals; (4) to provide opportunities for compatible fish- and wildlife-dependent recreational uses of refuges, including fishing and hunting, wildlife observation, and environmental education; (5) to preserve, restore, and recover threatened or endangered species; and (6) to fulfill international treaty obligations with respect to fish, wildlife, and plants.

The substitute statutorily defines "compatible use" by using the exact language the U.S.

Fish and Wildlife Service has used for many years and is currently found in their operating regulations. While a refuge manager will retain the power to determine what is a "compatible use", this definition should provide the guidance needed to make the proper decision.

The bill allows traditional wildlife-dependent recreation—that is, hunting, fishing, wildlife observation, and environmental education—to continue during the interim period after the acquisition but before the implementation of a management plan.

The author of this "open until closed" provision is the gentleman from New Jersey, JIM SAXTON. It is an essential change because there are a growing number of Americans who are angry and frustrated over the Service's land acquisition process. These Americans have worked hard to protect certain lands, they have contributed millions of dollars to the purchase of refuge lands, and they have found, much to their dismay, that for no rational reason their favorite fishing spot is now off limits during an open-ended period of governmental studies.

This is a wrong-headed policy and I compliment JIM SAXTON for his contribution to restoring confidence to the System.

This bill requires conservation plans for each refuge within 15 years of enactment. It is important that we know what kind of archaeological, natural, or wildlife resources exist on these refuges. This inventory has been a goal of the environmental community for many years.

This substitute bill incorporates the President's March 25, 1996 Wildlife Refuge Executive Order, and his "Directives to the Secretary" are codified in section 5, the Administration of the System.

The substitute stipulates that no funds may be spent from the Land and Water Conservation Fund for the creation of a new wildlife refuge without a specific congressional authorization.

In the past, more than \$1 billion in taxpayer money has been appropriated from this fund to acquire refuge lands. This money has been spent with little oversight from congressional authorizing committees and without the checks and balances of the Migratory Bird Commission. Congress must have a role in this process, and we should authorize new wildlife refuge units just as we authorize new parks, flood control projects, and weapons systems. In this way, private property owners and their tax dollars are well protected.

Finally, this substitute contains a number of other provisions negotiated with the Clinton administration. These include: overflights above a refuge, the eradication of aquatic nuisance species, and language allowing the President to exempt certain activities on military refuge lands because of national security reasons.

Much of the rhetoric surrounding this bill has been at best misleading. So I also want to make clear what this substitute does not do. It does not: permit or require hunting and fishing to occur on every wildlife refuge. These activities must be found "compatible" and must meet the three part of being based on sound fish and wildlife management practices, being fully consistent with the fundamental reasons the refuge was created, and not endangering public safety; affect Federal, State, or local water rights. This bill does not limit the ability of the Federal Government to secure water for

a refuge; facilitate nonwildlife-dependent uses such as grazing, farming, mining, oil and gas development, jet skiing, et cetera. As under current law, nonwildlife-dependent uses may continue to occur when compatible, and when the Fish and Wildlife Service lacks legal authority or sufficient ownership interest in the property to prevent them. But this bill does not mandate, enhance, or protect such uses; increase or decrease the size of any of the 508 refuge units; permit the pesticides not approved by the Fish and Wildlife Service to be used by row farmers or anyone else in the Refuge System; permit the commercialization of our Refuge System. To repeat, it is limited to wildlife-dependent uses. They are clearly defined as fishing, hunting, wildlife observation, and environmental education; and limit the Fish and Wildlife Service's ability to acquire lands at existing refuges. In fiscal year 1997, the Service proposes to spend \$19.2 million to acquire new acreage for our Refuge System. This provision will not delay, stop, or otherwise affect those acquisitions.

This legislation is the product of many months of hearings, discussions, and revisions. This measure was reported by voice vote by both the subcommittee and the full committee.

This legislation is supported by the American Archery Council, the American Sportfishing Association, B.A.S.S., Inc., the California Waterfowl Association, Congressional Sportsmen's Foundation, Foundation for North American Wild Sheep, International Association of Fish and Wildlife Agencies, International Bowhunters Organization, Masters of Foxhounds Association of America, Mzuri Wildlife Foundation, National Rifle Association, National Wild Turkey Federation, New Jersey Federation of Sportsmen, North American Waterfowl Federation, Quail Unlimited, Ruffed Grouse Society, Safari Club International, Wildlife Forever, and the Wildlife Legislative Fund of America. It has also been endorsed by the Congressional Sportsmen's Caucus, which has a membership of 204 Members of this body.

Mr. Chairman, H.R. 1675 is a sound piece of conservation legislation that reaffirms the legacy of President Theodore Roosevelt and the vision of the National Wildlife Refuge System Administration Act of 1966.

Finally, I want to express my sincere appreciation to the highly distinguished gentleman from Michigan, JOHN DINGELL. Without his dedication, tireless commitment, and leadership, this effort would not have been achievable.

I urge an "Aye" vote on H.R. 1675.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PETRI) having assumed the chair, Mr. GILLMOR, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge Sys-

tem, and for other purposes, pursuant to House Resolution 410, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 287, nays 138, not voting 7, as follows:

[Roll No 131]

YEAS—287

Allard	Clement	Ganske
Archer	Clinger	Gekas
Armey	Coble	Gephardt
Bachus	Coburn	Geren
Baessler	Collins (GA)	Gilchrest
Baker (CA)	Combest	Gillmor
Baker (LA)	Condit	Goodlatte
Ballenger	Cooley	Goodling
Barcia	Costello	Gordon
Barr	Cox	Goss
Barrett (NE)	Cramer	Graham
Bartlett	Crane	Green (TX)
Barton	Crapo	Greene (UT)
Bass	Cremeans	Greenwood
Bateman	Cubin	Gunderson
Bereuter	Cunningham	Gutknecht
Bevill	Danner	Hall (TX)
Bilbray	de la Garza	Hamilton
Billakis	Deal	Hancock
Bishop	DeLay	Harman
Bliley	Diaz-Balart	Hastert
Blute	Dickey	Hastings (WA)
Boehlert	Dingell	Hayes
Boehner	Doolittle	Hayworth
Bonilla	Dornan	Hefley
Bono	Doyle	Hefner
Boucher	Dreier	Heineman
Brewster	Duncan	Herger
Browder	Dunn	Hilleary
Brown (FL)	Edwards	Hilliard
Brownback	Ehlers	Hobson
Bryant (TN)	Ehrlich	Hoekstra
Bunn	Emerson	Hoke
Bunning	English	Holden
Burr	Ensign	Horn
Burton	Everett	Hostettler
Buyer	Ewing	Houghton
Callahan	Fawell	Hoyer
Calvert	Fields (TX)	Hunter
Camp	Flake	Hutchinson
Canady	Flanagan	Hyde
Castle	Foley	Inglis
Chabot	Fowler	Istook
Chambliss	Fox	Jackson-Lee
Chapman	Franks (CT)	(TX)
Chenoweth	Frisa	Johnson (SD)
Christensen	Funderburk	Johnson, Sam
Chrysler	Galleghy	Jones

Kanjorski
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klecza
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick

Nethercutt
Neumann
Ney
Norwood
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw

NAYS—138

Abercrombie
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bonior
Borski
Brown (CA)
Brown (OH)
Bryant (TX)
Campbell
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost

Furse
Gejdenson
Gibbons
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hastings (FL)
Hinches
Jackson (IL)
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Markey
Martini
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Millender
McDonald
Miller (CA)
Mink
Moakley
Moran

Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Ackerman
Foglietta
Hansen
McDade
Parker
Schroeder
Wilson

□ 1656

The Clerk announced the following pair:

On this vote:

Mr. McDade for, with Mr. Ackerman against.

Messrs. FRELINGHUYSEN, DAVIS, CLAY, THOMPSON, MOAKLEY, and LAZIO of New York, Mrs. JOHNSON of Connecticut, and Mrs. MEYERS of Kansas changed their vote from "yea" to nay."

Mr. KLINK and Mrs. CUBIN changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1675, the bill just passed.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Alaska?

There was no objection.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1675, NATIONAL WILDLIFE REFUGE IMPROVEMENT ACT OF 1995

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1675, the Clerk be authorized to make technical and conforming changes as are necessary to reflect the actions of the House on the bill just passed.

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

There was no objection.

REPORT ON RESOLUTION WAIVING REQUIREMENT OF CLAUSE 4 OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. MCINNIS, from the Committee on Rules, submitted a privileged report (Rept. No. 104-535) on the resolution (H. Res. 412) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

□ 1700

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. COBLE. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from North Carolina?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair desires to announce that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill earlier today: Senate 735, to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, on last Wednesday, April 17, 1996, I was away from the floor because of a family medical emergency. Had I been present I would have voted "no" on rollcall No. 121, on H.R. 842; and on rollcall 122, final passage on H.R. 842, I would have voted "yes."

PERSONAL EXPLANATION

Ms. JACKSON-LEE of Texas. Mr. Speaker, I was absent on Thursday, April 18, for a family medical emergency. Had I been present on rollcall 123, House Resolution 406, honoring Ron Brown, I would have voted "yes." On rollcall vote 124, ordering the previous question on S. 735, the antiterrorism bill, I would have voted "no." On rollcall vote 125, on S. 735, I would have voted "no." On rollcall 126, final passage, S. 735, I would have voted "yes."

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundergan, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PETRI). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, and gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

[Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]