

referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. WALKER). All points of order are reserved on the bill.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE EMINENT DOMAIN PREVENTION ACT

The Clerk called the bill (H.R. 2909) to amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that act only by donation or exchange, or otherwise with the consent of the owner of the lands.

The Clerk read the bill, as follows:

H.R. 2909

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act".

SEC. 2. RESTRICTION ON METHOD OF ACQUISITION OF LANDS FOR PURPOSES OF THE SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE ACT.

Section 106 of the Silvio O. Conte National Fish and Wildlife Refuge Act (Public Law 102-212; 16 U.S.C. 668dd note) is amended by adding at the end the following new subsection:

"(e) RESTRICTION ON METHOD OF ACQUISITION.—The Secretary may acquire lands for purposes of this title only by donation or exchange, or otherwise with the consent of the owner of the lands."

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

MODIFICATION OFFERED BY MR. SAXTON

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that on page 2, line 5 of the bill, the word "Emminent" be corrected to read "Eminent."

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

There was no objection.

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

Mr. Speaker, H.R. 2909, the Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act, was introduced by Congressman CHARLES BASS on January 31, 1996. The bill directs the Secretary of the Interior to acquire lands for the Silvio O. Conte Refuge only with the consent of the landowner. Unlike many refuges, the Conte refuge spans four States—Vermont, Connecticut, Massachusetts,

and New Hampshire. Landowners surrounding the refuge are concerned that eminent domain will be used to condemn their properties, so the Fish and Wildlife Service will be able to purchase the properties without the owners' consent. At the subcommittee's legislative hearing, the Fish and Wildlife Service did acknowledge that there is precedent for similar willing seller language already set in law. The Service also maintains that it does not intend to use eminent domain as a land acquisition tool for the Conte Refuge. That being the case, codifying this prohibition into statutory language would not adversely affect Fish and Wildlife Service operations. It would, however, serve the useful purpose of quelling landowner concerns.

I urge an "aye" vote on this bill in support of property owners' rights.

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

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

Mr. Speaker, believe it or not, I rise in opposition to H.R. 2909, because it is both an example of bad policy and bad process. When the Corrections Day Calendar was originally proposed, it was touted as a way to address bureaucracy that is particularly dumb, or to address obviously silly, redundant Government regulations in a rapid fashion. H.R. 2909 does not address silly Government regulations or bureaucracy, it addresses one of the fundamental powers granted to the Federal Government by the Constitution—the power of eminent domain. Supporters of this bill may claim that it is about protecting private property. But there is a world of difference between uncompensated takings of private property and the rare and judicious use of eminent domain to acquire private property, for fair market value, to protect public wildlife resources.

The Corrections Day Calendar was ostensibly created to expedite the passage of noncontroversial, bipartisan legislation. This legislation is controversial. I and a number of my colleagues on the Resources Committee oppose it. The administration opposes it. And environmental groups such as the Sierra Club, the Wilderness Society, and the Audubon Society oppose it. Lastly, I believe that if our late friend and colleague, Silvio Conte, were alive today, he would join me in opposing this legislation. Since the Fish and Wildlife Service has no intention to use eminent domain to acquire land for the refuge, H.R. 2909 is a solution in search of a problem.

It is my understanding that corrections day legislation should be narrow in scope. But, since H.R. 2909 sets a bad precedent for the entire 92 million acre National Wildlife Refuge System, it is much broader in scope than the problem it purports to address.

The Corrections Day Calendar was never intended to circumvent the committee process. However, the Corrections Day Advisory Group considered

H.R. 2909 for placement on the Corrections Day Calendar a month and a half before the Resources Committee reported the bill.

The Silvio Conte National Fish and Wildlife Refuge represents a new kind of wildlife refuge that will protect a total of 78,000 acres using a combination of conservation easements, cooperative agreements, and cost-sharing partnerships. This approach minimizes the need for Federal land acquisition: Only about 6,500 acres, spread over the States of New Hampshire, Vermont, Connecticut, and Massachusetts, will be under Federal ownership. And how is this innovative approach rewarded? By the adoption of punitive legislation that restricts the ability of the Fish and Wildlife Service to protect public wildlife resources when they are threatened.

The Fish and Wildlife Service is entrusted with the power of eminent domain to acquire lands for the greater public good. Although eminent domain authority is a tool of last resort for the Service, without it there is ultimately no way to protect land already purchased with taxpayer dollars from adjacent harmful development or to prevent the destruction of critically important wildlife habitat. If we deny the Service this tool, we make it that much more difficult to protect effectively the public interest in habitat conservation.

Furthermore, this bill exclusively ties the hands of the Federal Government in protecting the public interest in fish, game, and wildlife habitat. I am not aware of any attempts to restrict eminent domain authority when it is applied to highways, dams, or other public works projects in New England. In establishing a differential standard for application of the power of eminent domain, H.R. 2909 relegates wildlife habitat protection to second-class status. That is wrong.

For these reasons, I oppose H.R. 2909 and feel that it was inappropriately placed on the Corrections Calendar. I urge the House to reject this legislation.

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

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I rise in support of this piece of legislation. I would like to thank the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Alaska [Mr. YOUNG] for moving this bill promptly, in an expeditious fashion. I believe that their understanding of the time-sensitive nature of this matter in allowing H.R. 2909 to move in an expeditious manner is important.

Mr. Speaker, simply put, as we have heard, this bill will smooth the road for the creation of the Silvio O. Conte Refuge by reassuring local residents, and folks who live in the affected areas, that their land will not be taken by

eminent domain as a result of efforts to create this very important refuge.

The Conte refuge was established in 1991, and subsequently went through 4 years of hearings and input. The result of the plan, which seeks to protect the entire Connecticut River Valley from its headwaters in northern New Hampshire to the area in southern Connecticut where it flows into the Atlantic Ocean, is the scope of the bill.

In undertaking this task, the Fish and Wildlife Service has identified virtually all water sources that empty into the Connecticut as potential areas to protect. Consequently, nearly 50 percent of my district, which is a large rural district, and clearly close to half of the district of the gentleman from Vermont [Mr. SANDERS], will be potentially affected by this refuge, including, I might add, many major metropolitan areas, cities, towns, rights-of-way and so forth.

Mr. Speaker, it is important to realize that the Connecticut River, which flows through many diverse regions of New England, has many different characteristics in different areas. I might use the analogy, if I could, to the shape of an oak tree in describing the Connecticut River.

Like any river, near its mouth on the Long Island sound it is like a pencil line, but as it gets farther north it branches out and branches out and branches out until finally up in Coos County, and in Essex County over in Vermont, it covers the entire county. In my district, half of Grafton County, all of Sullivan County, and all of Cheshire County. It is a huge area which it covers.

Mr. Speaker, I am not here today to take issue with protecting the Connecticut River. It is a very important project, and I fully support the Silvio O. Conte Wildlife Refuge. However, I feel that there are efforts that need to be undertaken in order to assure that there is cooperation between not only the folks that live along the river's edge and will be affected, and as I said it is more than just folks living along the edge of the river, but also the respective legislatures in New Hampshire and Vermont and potentially Connecticut and Massachusetts.

There have been bills introduced in New Hampshire that would create considerable restrictions on the ability of the Fish and Wildlife Service to effect this important refuge project, and it is all based upon the fact that there is fear on the part of landowners that the Fish and Wildlife Service will use their eminent domain power to take property unnecessarily away from people who are trying to make a living off of it.

Mr. Speaker, the fact remains that this is not good for the future creation and growth of the wildlife refuge, but it is also not good for farmers and other individuals who depend, and have depended now for generations, upon the land to make a living.

Mr. Speaker, I would also point out that the gentleman from Massachu-

setts [Mr. STUDDS], my good friend, has pointed out that this bill does not qualify or may not qualify for the Corrections Day Calendar. I would point out that this bill codifies U.S. Fish and Wildlife's intent using statutory authority of eminent domain for the purposes of the refuge. The potential financial burden, underlined, of large scale eminent domain takings could be high on the taxpayers of America.

The refuge plan represents a new approach by the U.S. Fish and Wildlife Service in that it does not have well-defined boundaries. It is not an island or specific area, it is a watershed. Therefore, areas that could be affected by eminent domain are ambiguous.

The bill protects the average family and small business by ensuring that the U.S. Fish and Wildlife Service does not arbitrarily take their land for the purposes of a refuge that is not clearly defined. And, last, the bill promotes the well-being of everyone by removing one of the final stumbling blocks to the successful creation of this refuge to protect the Connecticut River for all of New England.

Mr. Speaker, I would also point out that there is ample precedent for this change in the law. There are 33 different precedents in law in which eminent domain as a mechanism for acquiring land has been inserted; I think the most notable of which is the wildlife refuge in Massachusetts known as the Atchafalaya, or something like that, wildlife refuge in which the exact same language is in law there.

Mr. Speaker, I would point out that as one who supports the Silvio O. Conte Wildlife Refuge, as one who was personally acquainted with Congressman Silvio O. Conte, I would take issue with my distinguished colleague from Massachusetts and I would say that Congressman Conte would have wanted to see the wildlife refuge developed with the full cooperation and consent of the Federal Government, Congress, as well as the people who would be affected by this wildlife refuge.

Now, as a former State senator and a member of the legislature in New Hampshire, I was pleased to have sponsored shoreline protection legislation in New Hampshire, rivers protection laws in New Hampshire, as well as serving 2 years on the Land Conservation Investment Program, which is a program similar to what is envisioned by Silvio O. Conte Wildlife Refuge, in which \$50 million was allocated to protect key pieces of real estate that are environmentally sensitive and important for the State of New Hampshire.

□ 1030

Not once did we, we did not have eminent domain in the law obviously, and we never needed it. The fact is we do not need to have the hand of Federal Government taking people's property away from them against their will when there is plenty of property available and more than the Federal Government will ever have the money to purchase to begin with.

What we need here is cooperation, which is in the New Hampshire tradition, and I think in the tradition that will be beneficial to the creation and long-term preservation of this very important ecosystem, the Connecticut River.

Mr. STUDDS. Mr. Speaker, in the spirit of corrections, let me say to the gentleman from New Hampshire, the Atchafalaya Refuge is in Louisiana, which is a very long way from Massachusetts and New Hampshire. May I also say that things must be blissful indeed in the Granite State if the biggest thing you have to worry about is the specter of the Federal Government grabbing an acre in the name of Silvio Conte. I think it must be a lovely existence you have up there. Some of us can think of real problems that need solutions.

Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, when this new Congress led by its antienvironmental zealots came here, they said they were going to do business in a new way. And sure enough, we find business in a new way. We solve problems that do not exist. What we have here is not simply an assault on the Federal Government or an opportunity to try to create barriers to protect what I think virtually all of our citizens recognize is a heritage that we want to pass on to our children and grandchildren, but what we have is an attempt to hobble the Government from being able to defend itself. Should we have a refuge area and suddenly someone comes in and has a pollution problem that they refuse to remedy, the Federal Government would have no legal ability to enjoin that action. They would have to sit by and watch the entire refuge be decimated because we are about to take away the legal rights that Government has always had from time immemorial.

I guess I am somewhat confused. If we are fighting the Civil War over again on States rights, then it seems to me that maybe we ought to have a real bill that just disbands the Federal legislature. But if we are going to continue to have a Federal role, and let me assure you that many of these States with this anti-Federal attitude come rushing here for Federal resources, much as the Freeman did for their farms. We do have one country; do we not? National resources are worth protecting. What we are going to do here is not so much protecting any individual or State right. What we are doing is taking action to prevent something that is virtually never used but to ensure that, if Federal land is in the process of being degraded, the Federal Government will have no legal ability to protect its investment and the taxpayers' investment.

Mr. SAXTON. Mr. Speaker, I yield myself 1 minute.

I just would like to say to the gentleman from Connecticut that I am

kind of surprised hearing his opposition this morning, particularly since the gentleman is from the State of New Jersey and inasmuch as the chairman of the full committee, the gentleman from Alaska [Mr. YOUNG], offered the gentleman an opportunity to take Connecticut out of this bill. So it surprises me that the gentleman declined the opportunity to take Connecticut out of the bill, saying that apparently Connecticut ought to be included. And now the gentleman is opposed to the bill. I do not understand, Mr. Speaker.

Mr. STUDDS. Mr. Speaker, if the gentleman will promise to be nice, I yield 2 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I think that this is an important principle. Frankly, if I did not think it would violate that principle, I would have been happy to accept an agreement to exempt Connecticut. I would be happy to accept that.

Mr. SAXTON. Mr. Speaker, if the gentleman will yield, let me reoffer, we have decided on our side that we are happy to grant the gentleman unanimous consent to take Connecticut out.

Mr. GEJDENSON. Mr. Speaker, if the gentleman will ask unanimous consent to exempt Connecticut, I will accept that exemption.

Mr. SAXTON. Mr. Speaker, it is the gentleman's State. I will not ask unanimous consent.

Mr. GEJDENSON. I will ask unanimous consent to exempt Connecticut from the bill.

The SPEAKER pro tempore. The gentleman will have to have his unanimous-consent amendment in writing.

Mr. GEJDENSON. Mr. Speaker, I will return.

Mr. STUDDS. Mr. Speaker, if I may briefly observe, before yielding to my colleague from Massachusetts, I look forward with great anticipation to the gentleman on the other side offering analogous language on all future public works and highway bills so that the power of eminent domain may not be waived to frighten the good people of New Hampshire or of any other State.

Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. OLVER] who holds the seat once held by out late esteemed colleague, Silvio Conte, who, if he were here today, I suspect would be in the well with a pheasant or a moose mocking all of us.

Mr. OLVER. Mr. Speaker, today I rise as the Member of Congress who has had the honor of following in office one of the greatest Members of this body in this century on his legacy of environmental protection and conservation for the people of the first district of Massachusetts.

Out of all of Silvio Conte's great successes and legislative accomplishments, perhaps his legacy of conservation is what he will be remembered for more than anything else. Which is what makes the Conte Fish and Wildlife Refuge so fitting for this man who has had such a tremendous impact on the people of the Connecticut River Valley.

Sil Conte was a sportsman and a conservationist and he understood the interrelationship between the two.

He knew that, like most resources, you can't just continue to draw from it without renewal and continual reinvestment.

That's what conservation is all about.

Silvio Conte's favorite pastimes included fishing and bird watching. And he knew that as a Member of this body, he was in a position to ensure that future generations would have that opportunity.

Sil Conte was wise enough to know that waterfowl and other migratory birds, as well as anadromous fish, know no boundaries or man-made borders.

Which is why the bill before us today is a sneak attack on the concepts of conservation. This bill permanently removes the authority of the Fish and Wildlife Service to prevent activities that negate the purposes of the refuge.

After 130, yes, 130, public meetings, the 3 Members sponsoring this legislation, and the 7 from Massachusetts and Connecticut even more affected by it, know perfectly well that the Fish and Wildlife Service is keenly aware of the concerns that this bill aims to address.

We also know that the Service cannot proceed effectively to secure the purposes of Public Law 102-212, the Silvio Conte National Fish and Wildlife Refuge Act, without full cooperation from private citizens.

The cooperative arrangements the Conte Refuge includes is what makes this refuge a model for the National Wildlife Refuge System.

The problem with this bill is that it forever ties the hands of the Fish and Wildlife Service in its management in carrying out its responsibilities.

This bill mocks the constitutional protections already provided against takings. The Constitution was not meant to be offered a la carte. We can't just pick the sections we like and ignore those we don't care for.

The people of the first district are fiercely independent in the proud Yankee tradition. However, they also have a proud tradition in believing in government and the good that it can do.

The Connecticut River is today swimmable and boatable because the Federal Government took action under the Clean Water Act back in 1972.

When we passed the Silvio Conte fish and wildlife legislation we affirmed the purposes of conserving, protecting, and enhancing important fisheries habitat, important wetlands, and other habitat for a broad variety of plants and wildlife.

These species are held in the public trust. The public trust depends on the Federal Government to act as its guardian. I believe that the people in my district depend on the Fish and Wildlife Service to guide the protection of the natural environment.

The choice is simple. You can either vote with those who have been swayed by rumor and distrust of the Federal Government. Or you can vote for the environment, for the refuge, and for its inhabitants—the 2 million people but also the black bear, moose, the bald eagle, red fox, bobcat, coyote, beaver, lynx, salmon, shad, striped bass, herons, egrets, piping plover, osprey, and the kingfisher.

And so today we're again faced with making choices for the Silvio Conte Refuge. It is a refuge. Let it live out the true meaning of its name.

And as for its namesake, let the refuge continue to honor him in the legacy of conservation on which he spent his life's work.

As the Member now serving the first district, the district that Silvio Conte served so well for more than 30 years, I ask that you vote against this bill—so that the House can take up this matter in a more appropriate forum outside of the Corrections Day Calendar.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut [Mr. GEJDENSON].

AMENDMENT OFFERED BY MR. GEJDENSON

Mr. GEJDENSON. Mr. Speaker, I ask unanimous consent to offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON: Page 2, line 16, after "lands" insert "in New Hampshire and Vermont".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut to amend the bill?

Mr. SAXTON. Reserving the right to object, Mr. Speaker, I do not plan to object. I would like to point out that I am not quite sure what is different about the constituencies that live in the 2 States which will be exempted under this unanimous consent request.

In the case of Mr. BASS' constituents, he is concerned, the gentleman from New Hampshire, Mr. BASS, is concerned that his constituents feel comfortable with the process that will be ongoing. And apparently Mr. GEJDENSON and the gentleman from Massachusetts do not share the same concerns or their constituents do not share the same concerns as to how the process will proceed without the protection which will be eliminated by virtue of this unanimous-consent request.

Mr. BASS. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from New Hampshire.

Mr. BASS. Mr. Speaker, I would like to associate myself with the remarks of the gentleman from New Jersey but also point out that the nature of the districts through which the Connecticut River runs in Massachusetts and Connecticut is considerably different geographically than that of New Hampshire and Vermont. So as a result, I believe that there is justification for this amendment in that the sheer territory covered by the potential for eminent domain proceedings in Massachusetts and Connecticut is substantially smaller than in New Hampshire and Vermont. I certainly would not object to this amendment.

Mr. SAXTON. Mr. Speaker, continuing my reservation of objection, I would just conclude by saying that inasmuch as the gentleman from Connecticut and the gentleman from Massachusetts apparently do not wish to afford their constituents the same protections that Mr. BASS does, I will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut to amend the bill?

There was no objection.

The SPEAKER pro tempore. Without objection, the amendment is agreed to.

There was no objection.

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

I am sorry this debate has gone this long. I would think all of us would be more than a little embarrassed by having devoted the amount of time we have to this matter. There is no problem here that needs solving, none whatsoever.

I am prepared to concede to the gentlemen from over there that New Hampshire and Vermont are larger than Connecticut and Massachusetts. I am prepared to concede for some reason they have a more profound paranoia than southern New England. I could care less whether one State or another is covered. I never mentioned my own State in my own remarks. My objection is to the principle involved here as to whether we will allow the Federal Government to have as a last resort the constitutionally sanctioned provision of eminent domain in the public interest.

I noted with some interest not that it was a particular State or States but that it was only at wildlife legislation, not at highways, not at public works, but the paranoia seems to be finely focused in this instance in the hills of northern New England.

□ 1045

It is beyond me. I do not understand it. I do not know why we have to discuss it here. I do not know why it rises to the level of being considered by this House. I think we should apologize to our colleagues for the amount of time we spent on this. It is more than a little bit silly. No one thinks it is going to become law. It will die in the Chamber of the winds across the hall, and, anywhere else, it will die by other means.

So, Mr. Speaker, with apologies to my brethren and sisters for the amount of time we have taken, I yield back the balance of our time.

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

A, I do not apologize; and, B, this is not silly. This is a protection of people's right to own property without having to be afraid of Big Brother coming along and taking it from them.

I would say further, Mr. Speaker, that the refuge system, as chairman of the Fish and Wildlife and Ocean Subcommittee, the refuge system is something that I have taken great pains to protect and to enhance the process through which it works. That is why we passed a bill earlier this year to reform the process so that people will want the process to continue to move forward so that they will not be afraid that refuges and refuge managers and the Fish and Wildlife Service will become Big Brother and take over their property.

And so, Mr. Speaker, I do not apologize in any sense of the word, nor do I

believe this is silly. I think it is a very serious issue.

Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I thank the gentleman from New Jersey [Mr. SAXTON] for yielding this time to me, and I would only say that there are, and I have here, precedent after precedent after precedent in public works for the type of exemption that we are talking about in this particular piece of legislation.

What is most significant about this effort is that it is going to help preserve the Connecticut River basin. It is going to create an environment of cooperation amongst all of the parties involved, and all we are saying is that the Fish and Wildlife Service's promise not to use eminent domain in any instance in this particular project, we are going to hold them to their word.

Now, it appears to be important to me that we preserve the Connecticut River basin, but it is also important to me that we protect the rights of landowners and that we prevent this bill, this problem, from slowing the long-term process.

Mr. Speaker, I would also like to ask for unanimous consent that my colleague from Vermont [Mr. SANDERS] be recorded in support of this bill and be allowed to place a statement in the RECORD in support of the bill.

The SPEAKER pro tempore. (Mr. WALKER). Would the gentleman from New Hampshire modify his request regarding a statement in the RECORD? The gentleman cannot have a request that another Member be recorded in favor.

Mr. BASS. A statement in the RECORD, to amend my unanimous-consent request.

The SPEAKER pro tempore. Without objection, that will be covered under general leave.

There was no objection.

Mr. SAXON. Mr. Speaker, there are a couple of Members on the other side who would like to have time at this time. I would be either happy to yield to them myself or to ask unanimous consent to have the gentleman's time restored.

The SPEAKER pro tempore. Without objection, the gentleman from Massachusetts [Mr. STUDDS] can reclaim the balance of his time.

There was no objection.

Mr. STUDDS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank very much the managers of this bill for giving me an opportunity to speak, and I do not come here to speak on the substance of the bill, but the process.

When the whole idea of the Corrections Day Calendar was proposed, I raised a lot of concern about it because I thought it might be a vehicle for special interest proposals, for controversial matters cloaked, perhaps, in a cover that maybe they are not as con-

troversial as they otherwise would be perceived to be. I thought my misgivings were misplaced when I went on the corrections day advisory committee and participated in the process where, up to now, we have presented bills that were noncontroversial, bipartisan, clear-cut corrections of Federal law.

But this bill is a controversial matter. It affects the gentleman from Massachusetts, Mr. OLVER's district, and he is opposed to the bill, the administration vigorously opposes it, the gentleman from California, Mr. MILLER, as a ranking Democrat on the Committee on Resources, and the gentleman from Massachusetts, Mr. STUDDS, the ranking Democrat on the subcommittee, oppose the bill; Sierra Club and other environmental groups oppose the bill.

Mr. Speaker, this is not appropriate for the Corrections Day Calendar, and I am very disappointed that this bill has been put on as a corrections day matter. When it came before the corrections day advisory committee, no Democrat was present, there was a ballot vote where the Republicans voted one way and whatever Democrats voted, voted the opposite way.

The Chair of the corrections day advisory committee was advised that this was controversial and that had Democrats been at the meeting, we would have opposed this bill being placed on the Corrections Day Calendar. The fact this bill is on the calendar as a corrections matter undermines the whole idea of the validity of a Corrections Day Calendar. It discredits the work of the advisory group for the Corrections Calendar.

So I wanted to speak out on this issue, opposing this proposal not only in substance, which others can speak more articulately about, but in terms of the process itself.

Mr. STUDDS. Mr. Speaker, I yield 2 more minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Speaker, I thank the gentleman for his indulgence. I just wanted to respond to comments made on the other side and, in fact, in part to agree with them.

The gentleman from New Hampshire points out and agrees that the nature of the territory is quite different. Of the 2 million people living in the Connecticut River watershed area that is the subject of the Silvio Conte Fish and Wildlife Refuge Act, 80 percent of them live in Massachusetts and Connecticut, whereas 80 percent of the land involved in that area is in New Hampshire and Vermont, at least 80 percent of the total land area involved. And in terms of the amount of acreage that has been proposed after 3 years of study with hundreds of meetings, all of them public meetings, all over the Connecticut River basin, less than 20 percent of the very tiny amount of land being proposed as possible refuge sites actually occurs in the States involved, in the States of Vermont and New Hampshire. So the territory is very, very different.

In our area, the support for the original language of the Silvio Conte Fish and Wildlife Act is extremely strong and extremely deep, and so for that reason it is appropriate, and we believe that it should certainly be possible, that if there is a critical bog, one of those critical areas under consideration or a critical fish habitat area, that we should not be in a position where one owner may negate the purposes of the protection under the Silvio Conte Fish and Wildlife Refuge Act, one owner may completely negate the purposes of the public interest.

So in that sense this is an appropriate kind of an amendment, and I might point out that there is a very similar case. And I will let the gentleman from Connecticut speak for herself.

Mr. SAXTON. Mr. Speaker, I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS].

Mr. BASS. Mr. Speaker, I'd just like to say that in response to my distinguished colleague from California, as he well knows, just prior to his arrival here on the floor we did exempt by unanimous-consent amendment the States of Massachusetts and Connecticut, which was so eloquently advocated by my distinguished colleague from Massachusetts, Mr. OLIVER, in mentioning that 80 percent of the people involved by or covered by this wildlife refuge live in the States of Massachusetts and Connecticut, whereas 80 percent of the land is in New Hampshire.

Although just a small portion of the total area has been designated thus far to be part of the wildlife refuge, the fact is that this is an open-ended project, as it should be, and there are, as I recall, some 80,000 acres potentially affected by it. So it does have the potential to become quite a bit more substantial, which is not all that bad.

I would also point out that the New Hampshire Forest Society, the Appalachian Mountain Club and other environmental groups based in New Hampshire strongly support the passage of this legislation.

Mr. SAXTON. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mrs. JOHNSON].

Mrs. JOHNSON of Connecticut. Mr. Speaker, I have real concerns with this legislation. The Conte Refuge is unique. It is an urban refuge. Its goal was never to be achieved through the acquisition of large tracts of land. Rather, its goal was to restore the Connecticut watershed through partnerships, conservation easements, cooperative agreements, environmental education with the Fish and Wildlife Service providing technical expertise and serving as the catalyst for the effort, and in fact it is moving along very well and holds enormous potential for the whole Northeast as being a very positive contribution to the preservation of our wilderness areas and the quality of our life in the Northeast.

As my colleagues know, we have preservation laws not only to preserve lands, but to preserve historic buildings, and whenever we try to preserve something, people do give up certain rights because preservation carries with it certain responsibilities.

Now, in my district the Appalachian Trail runs right through it, and the Government does have the right of eminent domain, if they need it in that instance, and we had to go through a very painful relocation of a portion of the trail for very good reasons of safety and so on. And in the course of those negotiations with various property owners we were able to negotiate good solutions with all but one, and that one person simply could not see the public interest, but could only see the private interest. And if the Government had not had the right of eminent domain, which they never had to exercise, but if they had not had that right, that citizen would never have been required to stay at the table. And by staying at the table we did finally get a negotiated solution that was satisfactory to the citizen and satisfactory to the Government in terms of achieving the public goal of a safe and beautiful trail across the Eastern Seaboard.

So eminent domain is rarely used by the Government, but it does provide clear and convincing, in a sense, elbow to remind the individual citizen that there is a larger public interest that the Congress recognized in establishing the Conte Refuge. I think the goals of the Conte Refuge can be achieved without any eminent domain actions; I am absolutely convinced of that. But to withdraw that from the law for this particular project I think is to set a precedent that is very destructive and also fundamentally counters the public interest that lies behind not only this designation, but other designations, and also underlies our belief in things like historic preservation tax credits.

So I oppose this bill.

Mr. SAXTON. Mr. Speaker, I would ask the gentleman does he have any further speakers?

Mr. STUDDS. Not to my knowledge, I would say to the gentleman.

Mr. SAXTON. Mr. Speaker, with that understanding I yield such time as he may consume to the gentleman from New Hampshire [Mr. BASS] for his closing statement.

Mr. BASS. Mr. Speaker, I thank the gentleman from New Jersey for yielding this time to me, and I would just like to point out that there is an enormous difference between an effort to preserve a trail and an undertaking that will potentially affect 80,000 acres of property.

I would also point out that the scope of this piece of legislation is now, by unanimous-consent amendment, limited to the States of New Hampshire and Vermont. Now, this is a very critical issue for folks in New Hampshire and Vermont, and the gentleman from Vermont [Mr. SANDERS] and I have joined together in a bipartisan effort to

create a modicum of protection for folks who make a living off of the land that might be affected by this potential wildlife refuge.

Nobody opposes the idea of the Silvio Conte Wildlife Refuge. We want it to go ahead. But we feel that this amendment, which is supported by numerous environmental groups in my home State of New Hampshire, and I suspect also in Vermont, is important to us. I would point out that there are 33 other precedents for use of this limitation on eminent domain proceeding, and to the best of my knowledge it has worked very well in all of those instances.

So I would urge the body to support this bill along with its unanimous-consent amendment. It is important for Vermont and New Hampshire, and it is important for the future of this very significant wildlife refuge.

Mr. YOUNG of Alaska. Mr. Speaker, H.R. 2909, the Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act, prevents the Fish and Wildlife Service from purchasing land for inclusion in the Conte Refuge without the consent of the owner.

I served with Silvio Conte for nearly 20 years, and I know that he cared deeply about the protection of migratory bird habitat and the creation of this refuge. This bill will further both of those goals by increasing public support for this refuge.

Local residents want to see important habitat protected, but some fear the Federal Government's sometimes heavy-handed land acquisition policies. This bill allows the Service to preserve important habitat, but also protects property owners from overzealous bureaucrats. The protections in this bill will enhance the public's support of the refuge since surrounding property owners will know that their property cannot be taken without their consent.

H.R. 2909 would allow condemnations for the purposes of settling title issues and determining price as long as the property owner consents to such actions. There is precedent for this bill. In 1988, Congress enacted a law, Public Law 98-548, which established a Federal wildlife refuge in Louisiana and stipulated that the Fish and Wildlife Service could only obtain lands for inclusion in this refuge from willing sellers.

Furthermore, in the testimony of the Department of the Interior on H.R. 2909, the administration witness stated that "since 1989, the Fish and Wildlife Service has not used condemnation without the consent of the owner, and does not intend to use if for this unique refuge". The testimony went on to say that "no condemnation is planned for any aspect of this project." Putting the force of law behind this policy will clearly enhance public support for this refuge.

This bill is widely supported by environmental and conservation groups in New Hampshire, including the Appalachian Mountain Club, the New Hampshire Farm Bureau, the New Hampshire Timberland Owners Association, and the Society for the Protection of New Hampshire Forests.

I commend Congressman BASS for introducing this measure, and I urge an "aye" vote on this important property rights bill.

Mrs. VUCANOVICH. Mr. Speaker, I understand the concerns of the gentleman from

California [Mr. WAXMAN]. If he will recall, the advisory group met on March 20 of this year to consider five bills for the Corrections Calendar. While no members of the minority were present at that meeting, all members of the advisory group are allowed, and were allowed following that meeting, to participate by expressing their views even though they may not be able to attend our meetings.

Following our March 20 meeting, we reviewed the input from all our members and a consensus was reached to recommend H.R. 2909 to the Speaker for placement on the Corrections Day Calendar when reported out of the committee of jurisdiction, in this case the Resources Committee. Once recommended, all corrections day legislation must travel through the regular legislative process and be reported.

I recognize that the corrections day process is new to many and that we all have demanding schedules. However, being a member of a panel such as the Corrections Day Advisory Group requires members' attendance in order that we may be able to carry out its purpose.

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

Mr. STUDDS. I have no further requests for time.

I want to close by commending the gentlewoman from Connecticut on the eloquence of her lesson in civic responsibility.

Mr. Speaker, I yield back the balance of my time.

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

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 (three-fifths having voted in favor thereof) the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on H.R. 2909, the bill just passed.

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

There was no objection.

□ 1100

THE JOURNAL

The SPEAKER pro tempore (Mr. WALKER). Pursuant to clause 5 of rule I, the pending business is the question of agreeing to the Speaker's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. STUDDS. 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 347, nays 50, not voting 37, as follows:

[Roll No. 225]

YEAS—347

| | | |
|--------------|------------------|--------------------|
| Ackerman | Dellums | Johnson, E. B. |
| Allard | Deutsch | Johnston |
| Archer | Diaz-Balart | Kanjorski |
| Armey | Dickey | Kaptur |
| Bachus | Dicks | Kasich |
| Baesler | Dingell | Kelly |
| Baker (CA) | Dixon | Kennedy (MA) |
| Baldacci | Doggett | Kennedy (RI) |
| Ballenger | Dooley | Kennelly |
| Barcia | Doolittle | Kildee |
| Barr | Doyle | Kim |
| Barrett (NE) | Dreier | King |
| Barrett (WI) | Duncan | Kingston |
| Bartlett | Dunn | Klink |
| Barton | Edwards | Klug |
| Bass | Ehlers | Knollenberg |
| Becerra | Ehrlich | Kolbe |
| Beilenson | Emerson | LaHood |
| Bentsen | Eshoo | Lantos |
| Bereuter | Evans | Latham |
| Berman | Ewing | LaTourette |
| Bevill | Farr | Laughlin |
| Bilbray | Fawell | Lazio |
| Bilirakis | Fields (LA) | Leach |
| Bishop | Fields (TX) | Levin |
| Bileley | Flake | Lewis (CA) |
| Blumenauer | Foley | Lewis (KY) |
| Blute | Forbes | Lightfoot |
| Boehlert | Fowler | Linder |
| Boehner | Frank (MA) | Lipinski |
| Bonilla | Franks (CT) | Livingston |
| Bonior | Franks (NJ) | LoBiondo |
| Bono | Frelinghuysen | Lofgren |
| Boucher | Frisa | Longley |
| Brewster | Frost | Lowey |
| Browder | Furse | Lucas |
| Brown (OH) | Galleghy | Luther |
| Brownback | Ganske | Maloney |
| Bryant (TN) | Gejdenson | Manton |
| Bryant (TX) | Gekas | Manzullo |
| Burr | Gilchrest | Martinez |
| Burton | Gilman | Mascara |
| Buyer | Gonzalez | Matsui |
| Callahan | Goodlatte | McCarthy |
| Camp | Goodling | McCollum |
| Campbell | Gordon | McHale |
| Canady | Goss | McHugh |
| Cardin | Graham | McInnis |
| Castle | Green (TX) | McIntosh |
| Chabot | Greene (UT) | McKeon |
| Chambliss | Greenwood | McKinney |
| Chenoweth | Gunderson | McNulty |
| Christensen | Gutierrez | Meek |
| Chrysler | Hall (OH) | Metcalf |
| Clayton | Hall (TX) | Meyers |
| Clement | Hamilton | Mica |
| Clinger | Hancock | Millender-McDonald |
| Coble | Hansen | Miller (CA) |
| Coburn | Hastert | Miller (FL) |
| Coleman | Hastings (WA) | Minge |
| Collins (GA) | Hayworth | Mink |
| Collins (MI) | Hefner | Moakley |
| Combest | Herger | Mollohan |
| Condit | Hinchey | Montgomery |
| Conyers | Hobson | Moorhead |
| Cooley | Hoekstra | Morella |
| Cox | Hoke | Murtha |
| Coyne | Holden | Myers |
| Cramer | Horn | Myrick |
| Crane | Hostettler | Nadler |
| Crapo | Houghton | Neal |
| Creameans | Hunter | Neumann |
| Cubin | Hyde | Ney |
| Cummings | Inglis | Norwood |
| Cunningham | Istook | Nussle |
| Danner | Jackson (IL) | Oberstar |
| Davis | Jackson-Lee (TX) | Obey |
| de la Garza | Jefferson | Olver |
| Deal | Johnson (CT) | Ortiz |
| DeLauro | Johnson (SD) | Orton |
| DeLay | | |

| | | |
|---------------|---------------|-------------|
| Owens | Sanders | Tauzin |
| Oxley | Sawyer | Taylor (NC) |
| Packard | Saxton | Tejeda |
| Pallone | Scarborough | Thomas |
| Parker | Schaefer | Thornberry |
| Pastor | Scott | Thornnton |
| Paxon | Seastrand | Thurman |
| Payne (NJ) | Sensenbrenner | Tiahrt |
| Payne (VA) | Serrano | Torres |
| Pelosi | Shadegg | Trafficant |
| Peterson (MN) | Shaw | Upton |
| Petri | Shays | Velazquez |
| Pomeroy | Shuster | Vento |
| Porter | Sisisky | Vucanovich |
| Portman | Skaggs | Walker |
| Poshard | Skeen | Walsh |
| Quillen | Skelton | Wamp |
| Quinn | Slaughter | Ward |
| Radanovich | Smith (NJ) | Watt (NC) |
| Rahall | Smith (TX) | Watts (OK) |
| Ramstad | Smith (WA) | Waxman |
| Rangel | Solomon | Weldon (FL) |
| Reed | Souder | Weldon (PA) |
| Regula | Spence | White |
| Richardson | Spratt | Whitfield |
| Rivers | Stark | Wicker |
| Roberts | Stearns | Williams |
| Roemer | Stenholm | Wilson |
| Rogers | Stockman | Wise |
| Rohrabacher | Stokes | Wolf |
| Ros-Lehtinen | Studds | Woolsey |
| Rose | Stump | Wynn |
| Roth | Stupak | Young (AK) |
| Roybal-Allard | Talent | Young (FL) |
| Royce | Tanner | |
| Salmon | Tate | |

NAYS—50

| | | |
|--------------|------------|-------------|
| Abercrombie | Gephardt | Pickett |
| Borski | Geren | Pombo |
| Bunn | Gillmor | Rush |
| Clay | Gutknecht | Sabo |
| Collins (IL) | Hefley | Sanford |
| Costello | Heineman | Schroeder |
| DeFazio | Hilleary | Smith (MI) |
| Durbin | Hilliard | Taylor (MS) |
| Engel | Hutchinson | Thompson |
| English | Jacobs | Towns |
| Everett | Jones | Visclosky |
| Fazio | LaFalce | Volkmer |
| Filner | Lewis (GA) | Waters |
| Flanagan | Markey | Weller |
| Foglietta | Martini | Yates |
| Fox | McDermott | Zimmer |
| Funderburk | Menendez | |

NOT VOTING—37

| | | |
|------------|---------------|---------------|
| Andrews | Gibbons | Moran |
| Baker (LA) | Harman | Nethercutt |
| Bateman | Hastings (FL) | Peterson (FL) |
| Brown (CA) | Hayes | Pryce |
| Brown (FL) | Hoyer | Riggs |
| Bunning | Johnson, Sam | Roukema |
| Calvert | Klecza | Schiff |
| Chapman | Largent | Schumer |
| Clyburn | Lincoln | Torkildsen |
| Dornan | McCrery | Torricelli |
| Ensign | McDade | Zeliff |
| Fattah | Meehan | |
| Ford | Molinari | |

□ 1120

So the Journal was approved.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 3103, HEALTH COVERAGE AVAILABILITY AND AFFORDABILITY ACT OF 1996

Mr. ARCHER. Mr. Speaker, pursuant to clause 1 of rule XX and by direction of the Committee on Ways and Means, I move to take from the Speaker's table the bill (H.R. 3103) to amend the Internal Revenue Code of 1986 to improve portability and continuity of health insurance coverage in the group and individual markets, to combat