

Upton	Weldon (PA)	Wyden
Vucanovich	Weller	Young (AK)
Waldholtz	White	Young (FL)
Walsh	Whitfield	Zeliff
Wamp	Wicker	Zimmer
Watts (OK)	Wilson	
Weldon (FL)	Wolf	

NAYS—151

Abercrombie	Gibbons	Olver
Ackerman	Gutierrez	Ortiz
Andrews	Hall (OH)	Orton
Baldacci	Hamilton	Owens
Barrett (WI)	Harman	Pallone
Becerra	Hastings (FL)	Pastor
Beilenson	Hayes	Payne (NJ)
Bentsen	Hilliard	Pelosi
Berman	Hinchev	Peterson (FL)
Bishop	Hoyer	Pomeroy
Bonior	Jackson-Lee	Rahall
Borski	Jacobs	Rangel
Boucher	Jefferson	Reed
Brown (CA)	Johnson (SD)	Reynolds
Brown (FL)	Johnson, E.B.	Richardson
Brown (OH)	Johnston	Rivers
Cardin	Kanjorski	Roemer
Chapman	Kaptur	Roybal-Allard
Clayton	Kennedy (MA)	Rush
Clement	Kennedy (RI)	Sabo
Clyburn	Kildee	Sanders
Coleman	Klecza	Sawyer
Collins (IL)	LaFalce	Schroeder
Collins (MI)	Lantos	Scott
Conyers	Levin	Serrano
Costello	Lewis (GA)	Skaggs
Coyne	Lincoln	Slaughter
Danner	Lipinski	Spratt
DeFazio	Lofgren	Stark
DeLauro	Lowey	Studds
Dellums	Luther	Taylor (MS)
Deutsch	Maloney	Thompson
Dixon	Manton	Thornton
Doggett	Markey	Thurman
Dooley	Mascara	Tucker
Doyle	Matsui	Velazquez
Durbin	McCarthy	Vento
Engel	McDermott	Visclosky
Eshoo	McKinney	Volkmer
Evans	Meek	Walker
Farr	Menendez	Ward
Fattah	Mfume	Waters
Fields (LA)	Miller (CA)	Watt (NC)
Filner	Mineta	Waxman
Flake	Minge	Williams
Foglietta	Mink	Wise
Ford	Moran	Woolsey
Frank (MA)	Nadler	Wynn
Furse	Neal	Yates
Gejdenson	Oberstar	
Gephardt	Obey	

NOT VOTING—12

Bilbray	Dicks	Moakley
Bryant (TX)	Dingell	Stokes
Clay	Gonzalez	Torres
DeLay	Metcalf	Towns

□ 1055

Mr. LEVIN, Mr. POMEROY, Mr. VOLKMER, and Mrs. MEEK of Florida changed their vote from "aye" to "no."

Mr. ROTH changed his vote from "no" to "aye."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, yesterday I was on the floor talking and omitted voting on rollcall 184.

If I had been paying attention, I would have voted "aye" on rollcall 184.

PRIVATE PROPERTY PROTECTION ACT OF 1995

The SPEAKER pro tempore (Mr. QUINN). Pursuant to House Resolution

101 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 925.

□ 1058

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 further consideration of the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions, with Mr. SHUSTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, March 1, 1995, 29½ minutes remained in general debate. The gentleman from Florida [Mr. CANADY] has 14½ minutes remaining, and the gentleman from Michigan [Mr. CONYERS] has 15 minutes remaining.

The Chair recognizes the gentleman from Florida [Mr. CANADY].

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

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. PORTER].

□ 1100

Mr. PORTER. Mr. Chairman, any honest person must admit that there have been instances of regulatory overkill in our Government. But this legislation is legislative overkill in the extreme. It will turn on the litigation tap with an absurdly low threshold for compensation of 10 percent. It will mean, Mr. Chairman, that every single regulation will be the subject of a lawsuit and every application of every regulation will be the subject of a lawsuit. Why would the lawyers not want to take it to court, roll the dice and see if they can get a recovery?

I take a back seat to no one in this Chamber in terms of my fiscal conservatism, and I cannot support this bill because it will create a new entitlement that will cost Government so much money that no Republican ought to support it.

I will be offering, Mr. Chairman, an amendment with the gentleman from Michigan [Mr. EHLERS], the gentleman from California [Mr. FARR], and the gentleman from Texas [Mr. BRYANT] that is the essence of legislation introduced in the Senate by Majority Leader DOLE as Senate bill S. 22. It is his answer to the takings problem. It is legislation that is based upon an Executive order issued by Ronald Reagan. Our amendment, like Mr. DOLE's bill, Mr. Chairman, leaves takings under the Constitution, where they belong, unless the agency fails to do a private property taking impact assessment before issuing any regulation. If the agency fails to do an assessment, then the Canady-Tauzin compensation scheme applies.

We should follow the Constitution, Mr. Chairman. It has worked very well for the last 200 years.

Finally, let me say that the Canady-Tauzin approach is a minority mentality approach. We are in the majority in this Chamber today and if there is a problem with the Endangered Species Act, let's change the act. If there is a problem with the wetlands law, let's change the law. But let's not write an entire new entitlement program that will cost the Government hundreds of millions of dollars in expenses. Let's instead support the approach that we will offer in our amendment that says let's look at the impact of a regulation on private property, let's ensure that the Government knows very well what it does, and let's then follow the Constitution which has served us well. If the impact statement is not done, we can then go to the approach offered by the gentleman from Florida [Mr. CANADY] and the gentleman from Louisiana [Mr. TAUZIN].

I urge Members to support the Dole approach to the amendment I will offer later.

Mr. CANADY of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. SMITH].

(Mr. SMITH of Michigan asked and was given permission to revise and extend his remarks.)

Mr. SMITH of Michigan. Mr. Chairman, the point is that we need to make some changes. There is a problem in this country where we have started passing on unfunded mandates to cities and counties to let them pay for our philosophy changes. This is also a problem where we are passing mandates on to individuals to let them pay for our philosophical changes, while we are taking away people's property, sometimes by poorly written laws, sometimes by poorly written regulations, sometimes by overzealous Government agents.

I am a farmer from Michigan. Let me share with you a couple of farm stories. A vegetable farmer was ordered to stop farming when two endangered species were discovered on his farm. The farmer was told he would be allowed to return to farming if he gave the Government 1 square mile of his property and a mitigation fee of \$300,000. When the farmer refused this offer, he was fined \$300,000. That was 10 years ago. The farmer is still fighting.

A family of cabbage growers cannot farm 450 acres of its farmland because the Army Corps of Engineers declared this acreage to be a wetland. Because of the prohibitive court fees, the family could not afford to challenge the decision.

Close to me, a couple of odd miles away from my farm in Michigan, a farmer had almost one-quarter acre within the boundaries of his otherwise tillable land but that small little strip with a couple of cattails, the farmer had to drive 2 miles around to get to the other side because that farmer was not allowed to plow through it or have