and the employer reaps the financial benefits of unlawfully underpaying the employee.

There are numerous problems with this line of reasoning. Employees often don't know about a discriminatory decision until it is too late. Pay disparities are difficult to discern. Many employers prohibit employees from discussing their salaries, and workplace norms warn against asking coworkers about their salaries. Additionally, a minor pay disparity adopted for discriminatory reasons in the beginning of a career may go unnoticed until, years later, after subsequent percentile adjustments, it is too large to ignore.

This bill overturns the Ledbetter v. Goodyear decision and restores the longstanding interpretation of Title VII of the Civil Rights Act and states that each paycheck that results from a discriminatory decision is itself a discriminatory act that resets the clock on the 180-day period within which a worker must file.

This bill acknowledges the realities of the workplace and provides necessary protections to hardworking men and women. I urge my colleagues to support its passage.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 2831, The Lilly Ledbetter Fair Pay Act of 2007.

I want to thank my friend, Congressman GEORGE MILLER, for sponsoring this bill and for his tireless efforts on behalf of working American families everywhere.

This past May, the Supreme Court handed down a decision with disastrous consequences for many Americans. With their ruling on the Ledbetter v. Goodyear case, the Court severely limited the right of workers to sue their employers for discrimination in pay.

If allowed to stand, this decision will strip many of the rights of employees who have been discriminated against on the basis of sex, race, color, or religion.

Today's bill rectifies the Supreme Court's misguided decision.

By restoring the longstanding interpretation of Title VII of the Civil Rights Act—Congress is ensuring that every American has the basic workplace protection they deserve.

Currently—women earn 76 cents to every dollar a man earns. This is unacceptable. Discrimination in the workplace must no longer be tolerated. We must ensure equal pay for equal work.

It is our duty to protect the rights of every American—no matter their skin color, gender, or income level.

I urge my colleagues to protect the rights of working Americans and to vote in favor of H.R. 2831.

Mr. RUPPERSBERGER. Mr. Speaker, I rise in strong support of the Lilly Ledbetter Fair Pay Act of 2007.

The Supreme Court ruled in a narrow 5–4 decision that Lilly Ledbetter was not entitled to any remedy after demonstrating she had been paid as much as 40 percent less than male workers doing the same job for 19 years. The decision was founded on a narrow misreading of the intent of Congress in the Civil Rights Act of 1964. The Court erroneously ruled that Ms. Ledbetter could only rely on paychecks she received in the final 180 days of her career at Goodyear to prove discrimination.

Mr. Speaker, the Supreme Court's narrow reading of the law prompted me to introduce my own legislation to correct this injustice. I was joined by Congresswoman CAROLYN KILPATRICK and Congresswoman DEBBIE WASSERMAN SCHULTZ as original authors of H.R. 2660, the "2007 Civil Rights Pay Fairness Act". I want to thank them both for working with me on this issue, and I commend our Chairman GEORGE MILLER for moving expeditiously to right this wrong. Chairman MILLER's bill brings about a different remedy in H.R. 2831, but it is no less forceful, and I am proud to also be a cosponsor.

Both bills clarify the intent of Congress by amending the Civil Rights Act of 1964 to make clear that courts must consider a pattern of pay decisions that recur and are cumulative. H.R. 2660 and H.R. 2831 are bills that ensure that victims of workplace discrimination receive effective remedies. The decision of the Court in this case was a sharp departure from precedent and would greatly limit the ability of pay discrimination victims to vindicate their rights.

Congress must make clear that a pay discrimination claim accrues when a pay decision is made, when an employee is subject to that decision, or at any time they are injured by it. As a former prosecutor and County Executive, I fought against this kind of injustice and I am pleased this House is ready today to stand up and correct the error of the Supreme Court in the Ledbetter case.

Mr. Speaker, I urge my colleagues to vote in favor of the Lilly Ledbetter Fair Pay Act of 2007 to correct the Supreme Court's misinterpretation of Title VII regarding when a pay discrimination claim is timely filed.

Mr. HOLT. Mr. Speaker, I rise today in strong support of the principle of equal pay for equal work and the Lilly Ledbetter Fair Pay Act of 2007, H.R. 2831.

On May 29, 2007, the Supreme Court issued a disturbing and retrobressive ruling. In a 5–4 ruling the Court issued its decision in a sex discrimination case, Ledbetter v. Goodyear, that fundamentally changed protections that American workers have enjoyed for more than 40 years when they were codified in the Civil Rights Act of 1964.

As a member of the House Committee on Education and Labor, I participated in a hearing on the flawed ruling in Ledbetter v. Goodyear. During that hearing the Committee heard testimony from Lilly Ledbetter describing the pay discrimination that resulted in her earning twenty percent less than the lowest paid man in the same position at Goodyear.

Applying the law as it was written and intended, the trial court awarded Lilly Ledbetter backpay and compensatory damages because of Goodyear's illegal sex discrimination. On appeal it went all the way to the Supreme Court, where Justice Samuel Alito led the 5–4 majority in dismissing the case. According to Justice Alito, when Lilly Ledbetter failed to file a discrimination case within the statutorily provided 180 days from the initial decision to pay her less than her male colleague, she was barred from filing a complaint and no relief was available. Despite documenting the sex based evaluation system Goodyear managers used, Lilly Ledbetter was denied justice and the rights afforded to her under the Civil Rights Act.

In a strongly worded dissent Judge Ginsburg noted the fallacy of the Majority's argument regarding the timeliness of Lilly Ledbetter's filing. She reminded the Court that a previous ruling that held each "paycheck perpetuating a past discrimination . . . are actionable not simply because they are 'related' to a decision made outside the charge-filing period . . . but because they discriminate anew each time they are issued."

Judge Ginsburg explicitly called on Congress to intervene and uphold the protections provided by the letter and the spirit of the law, saying "the ball is in Congress' court."

Today, we answer Judge Ginsburg's call and reverse this disturbing Supreme Court decision. Today, we make clear that Congress is committed to protecting the rights of American workers and to ensuring that they have adequate remedies if they are discriminated against in the workplace.

The passage of the Lilly Ledbetter Fair Pay Act of 2007 clarifies that when it comes to discriminatory pay, the protections of Title VII of the Civil Rights Act, the Age Discrimination in Employment Act, the Americans with Disabilities Act and the Rehabilitation Act extend not only to these discriminatory pay decisions and practices but to every paycheck that results from those pay decisions and practices. Any reasonable citizen who believes that we need protect the rights of workers for fair treatment at the workplace and fair pay would surely find the Supreme Court decision unreasonable. We must act once to reestablish fairness. I urge my colleagues to support this important legislation.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my unexpired time, and I reserve the 3 minutes for tomorrow.

□ 2300

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 579, further proceedings on the bill will be postponed.

EIGHTMILE WILD AND SCENIC RIVER ACT

Mr. GRIJALVA. Madam Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 986) to amend the Wild and Scenic Rivers Act to designate certain segments of the Eightmile River in the State of Connecticut as components of the National Wild and Scenic Rivers System, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 986

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 "Eightmile Wild and Scenic River Act".

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed

hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(__) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—

(1) ZONING ORDINANCES.—For the purposes of the Eightmile River, the zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(2) ACQUISITION OF LANDS.—The provisions of section 6(c) of the Wild and Scenic Rivers Act that prohibit Federal acquisition of lands by condemnation shall apply to the Eightmile River. The authority of the Secretary of the Interior to acquire lands for the purpose of managing the Eightmile River as a component of the National Wild and Scenic Rivers System shall be—

(A) limited to acquisition by donation or acquisition with the consent of the owner of the lands; and

(B) subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore (Ms. SHEA-PORTER). Pursuant to House Resolution 580, the amendment in the nature of a substitute printed in the bill, modified by the amendment printed in House Report 110–264, is adopted and the bill, as amended, is considered read.

The text of the bill, as amended, is as follows:

H.R. 986

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 ''Eightmile Wild and Scenic River Act''.

SEC. 2. WILD AND SCENIC RIVER DESIGNATION, EIGHTMILE RIVER, CONNECTICUT.

(a) FINDINGS.—Congress finds the following:

(1) The Eightmile River Wild and Scenic River Study Act of 2001 (Public Law 107–65; 115 Stat. 484) authorized the study of the Eightmile River in the State of Connecticut from its headwaters downstream to its confluence with the Connecticut River for potential inclusion in the National Wild and Scenic Rivers System.

(2) The segments of the Eightmile River covered by the study are in a free-flowing condition, and the outstanding resource values of the river segments include the cultural landscape, water quality, watershed hydrology, unique species and natural communities, geology, and watershed ecosystem.

(3) The Eightmile River Wild and Scenic Study Committee has determined that—

(A) the outstanding resource values of these river segments depend on sustaining the integrity and quality of the Eightmile River watershed;

(B) these resource values are manifest within the entire watershed; and

(C) the watershed as a whole, including its protection, is itself intrinsically important to this designation.

(4) The Eightmile River Wild and Scenic Study Committee took a watershed approach in studying and recommending management options for the river segments and the Eightmile River watershed as a whole.

(5) During the study, the Eightmile River Wild and Scenic Study Committee, with assistance from the National Park Service, prepared a comprehensive management plan for the Eightmile River watershed, dated December 8, 2005 (in this section referred to as the ''Eightmile River Watershed Management Plan''), which establishes objectives, standards, and action programs that will ensure long-term protection of the outstanding values of the river and compatible management of the land and water resources of the Eightmile River and its watershed, without Federal management of affected lands not owned by the United States.

(6) The Eightmile River Wild and Scenic Study Committee voted in favor of inclusion of the Eightmile River in the National Wild and Scenic Rivers System and included this recommendation as an integral part of the Eightmile River Watershed Management Plan.

(7) The residents of the towns lying along the Eightmile River and comprising most of its watershed (Salem, East Haddam, and Lyme, Connecticut), as well as the Boards of Selectmen and Land Use Commissions of these towns, voted to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(8) The State of Connecticut General Assembly enacted Public Act 05–18 to endorse the Eightmile River Watershed Management Plan and to seek designation of the river as a component of the National Wild and Scenic Rivers System.

(b) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following new paragraph:

''(_) EIGHTMILE RIVER, CONNECTICUT.—Segments of the main stem and specified tributaries of the Eightmile River in the State of Connecticut, totaling approximately 25.3 miles, to be administered by the Secretary of the Interior as follows:

''(A) The entire 10.8-mile segment of the main stem, starting at its confluence with Lake Hayward Brook to its confluence with the Connecticut River at the mouth of Hamburg Cove, as a scenic river.

''(B) The 8.0-mile segment of the East Branch of the Eightmile River starting at Witch Meadow Road to its confluence with the main stem of the Eightmile River, as a scenic river.

''(C) The 3.9-mile segment of Harris Brook starting with the confluence of an unnamed stream lying 0.74 miles due east of the intersection of Hartford Road (State Route 85) and Round Hill Road to its confluence with the East Branch of the Eightmile River, as a scenic river.

''(D) The 1.9-mile segment of Beaver Brook starting at its confluence with Cedar Pond Brook to its confluence with the main stem of the Eightmile River, as a scenic river.

''(E) The 0.7-mile segment of Falls Brook from its confluence with Tisdale Brook to its confluence with the main stem of the Eightmile River at Hamburg Cove, as a scenic river.''.

(c) MANAGEMENT.—The segments of the main stem and certain tributaries of the Eightmile River in the State of Connecticut designated as components of the National Wild and Scenic Rivers System by the amendment made by subsection (b) (in this section referred to as the ''Eightmile River'') shall be managed in accordance with the Eightmile River Watershed Management Plan and such amendments to the plan as the Secretary of the Interior determines are consistent with this section. The Eightmile River Watershed Management Plan is deemed to satisfy the requirements for a comprehensive management plan required by section 3(d) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(d)).

(d) COMMITTEE.—The Secretary of the Interior shall coordinate the management responsibilities of the Secretary with regard to the Eightmile River with the Eightmile River Coordinating Committee, as specified in the Eightmile River Watershed Management Plan.

(e) COOPERATIVE AGREEMENTS.—In order to provide for the long-term protection, preservation, and enhancement of the Eightmile River, the Secretary of the Interior may enter into cooperative agreements pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e), 1282(b)(1)) with the State of Connecticut, the towns of Salem, Lyme, and East Haddam, Connecticut, and appropriate local planning and environmental organizations. All cooperative agreements authorized by this subsection shall be consistent with the Eightmile River Watershed Management Plan and may include provisions for financial or other assistance from the United States.

(f) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(c)), the Eightmile River shall not be administered as part of the National Park System or be subject to regulations which govern the National Park System.

(g) LAND MANAGEMENT.—The zoning ordinances adopted by the towns of Salem, East Haddam, and Lyme, Connecticut, in effect as of December 8, 2005, including provisions for conservation of floodplains, wetlands, and watercourses associated with the segments, are deemed to satisfy the standards and requirements of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277 (c)). For the purpose of section 6(c) of that Act, such towns shall be deemed ''villages'' and the provisions of that section, which prohibit Federal acquisition of lands by condemnation, shall apply to the segments designated by subsection (B). The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan.

(h) WATERSHED APPROACH.—

(1) IN GENERAL.—In furtherance of the watershed approach to resource preservation and enhancement articulated in the Eightmile River Watershed Management Plan, the tributaries of the Eightmile River watershed specified in paragraph (2) are recognized as integral to the protection and enhancement of the Eightmile River and its watershed.

(2) COVERED TRIBUTARIES.—Paragraph (1) applies with respect to Beaver Brook, Big Brook, Burnhams Brook, Cedar Pond Brook, Cranberry Meadow Brook, Early Brook, Falls Brook, Fraser Brook, Harris Brook, Hedge Brook, Lake Hayward Brook, Malt House Brook, Muddy Brook, Ransom Brook, Rattlesnake Ledge Brook, Shingle Mill Brook, Strongs Brook, Tisdale Brook, Witch Meadow Brook, and all other perennial streams within the Eightmile River watershed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section and the amendment made by subsection (b).

The SPEAKER pro tempore. The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Madam 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. 986.

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

There was no objection.

Mr. GRIJALVA. Madam Speaker, I yield myself as much time as I may consume.

H.R. 986 would designate 25.3 miles of the Eightmile River and its tributaries in Connecticut as a national scenic river. The bill was introduced by my friend and colleague, Representative Joe Courtney, who has been a strong and effective advocate for this designation.

H.R. 986 would protect portions of the Eightmile River that have been found to have outstandingly remarkable values, including an intact watershed with a natural flow, very high water quality, unusual geological features, and large numbers of rare plants and animals.

The bill would designate five segments of the river and its tributary as scenic under the Wild and Scenic River Act.

The designated segments would be managed according to a plan produced pursuant to the 2001 Eightmile River Wild and Scenic River Study Act.

The administration supports the legislation. The National Park Service has found these segments of the river and its tributaries to be eligible and suitable for designation. Under the provisions of the bill, the river will be managed pursuant to a partnership agreement as envisioned in section 10(e) of the Wild and Scenic River Act.

H.R. 986 is cosponsored by the entire Connecticut House delegation. Both Connecticut centers support the designation, as does the Republican Governor of Connecticut and the State legislature.

I submit for the RECORD a letter from Governor Rell, dated July 11, 2007, in support of the bill.

EXECUTIVE CHAMBERS,
STATE OF CONNECTICUT,
July 11, 2007.

Hon. NANCY PELOSI,
Speaker of the House of Representatives.
STENY HOYER,
House Majority Leader.
JOHN BOEHNER,
House Minority Leader.
ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER, AND BLUNT: I am writing to express my support for H.R. 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic Rivers System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Kelo decision, and I am pleased that H.R. 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,

M. JODI RELL,
Governor.

The legislation also enjoys ample support from the affected local communities, including the local governments of the towns of Salem, East Haddam and Lyme.

During the committee consideration of the bill, there had been expressed concern about the private property provisions in the legislation.

To ensure that the bill is absolutely clear on this point, I offered, and the Natural Resources Committee adopted, language that deems the zoning ordinances adopted by the towns of Salem, East Haddam and Lyme to satisfy section 6(c) of the Wild and Scenic River Act, and thus the bill expressly prohibits the use of Federal condemnation of authority under the Wild and Scenic River Act.

In addition, the bill goes on to expressly forbid Federal condemnation for the Eightmile River designation. The authority contained in the bill to acquire land is limited to donation or

acquisition with the consent of the owner of the property. We have not one but two provisions, making it abundantly clear there will be no Federal condemnation along the Eightmile River.

These provisions track the language used in several wild and scenic river designations in the east, including the designation of Connecticut's other wild and scenic river, the Farmington River. The language has been in effect for over a decade without questions or ambiguity on those rivers or in court.

The opposition has said that they only want to add language to deny Federal condemnation. Given the language already in the bill, this would be plainly redundant. We simply ask that when all else fails, that they read the bill.

The specific language of H.R. 986 denies the Federal Government any condemnation authority. The Bush administration has assured us that they consider the language to be absolutely unambiguous.

H.R. 986 was originally considered by the House on July 10. When the vote was taken, the bill got a clear majority on a vote of 239–173 but failed to get the two-thirds necessary for passage under suspension of the rules.

Since the only amendment that opponents have raised is clearly unnecessary, we believe the procedure under which the bill is being considered in the House today will allow the House to work its will on the measure.

This is a good bill. I want to commend my colleague from Connecticut, Representative COURTNEY, for his commitment and leadership on this matter.

We support the passage of H.R. 986, as amended, and urge its adoption by the House today.

Madam Speaker, I reserve the balance of my time.

Mr. BISHOP of Utah. Madam Speaker, I have had the wonderful opportunity, or privilege, I guess, at different times, of standing, sitting in this chair, standing at this mike either to present bills or to control time or to present rules. Oftentimes, I was perplexed at the discussion that went on, because oftentimes our side would be giving wonderful speeches and their side would be giving wonderful speeches but never on the same topic. We didn't even have the terms defined. That will not happen today with this particular bill, because there is but one issue, and the issue is clear, and it is precise.

We do not have a problem with the creation of the wild and scenic river for this Eightmile area in the State of Connecticut. I am under the assumption that at the public hearings that were held in Connecticut, issues that could be of concern, for example, if you have a kid and want to add a bedroom, if you want to add a garage to your home, if you want to fix the roof to your house, if you want to repair a road that's been washed out or even ask to clear some of the brush next to the river, that not only could that possibly be prohibited, but it would probably be prohibited because there is precedent in other wild and scenic areas where that exact same thing has happened.

But, with that, and I am sure it was covered in those public hearings, I am convinced a majority of residents in this area supported the wild and scenic area. I was somewhat disenchanted, when we were told in the hearing it was unanimous support. Later on, we found out it was not that and the record has been amended to illustrate that.

In one city, in which one of the letters I received said only five people were opposed to it, in reality it was about a 400-person meeting with about a third, about 40 percent who were opposed to it. Still not a majority, so I am not opposed to the scenic river.

What is significant, though, is there is a significant minority of individuals in this area that are fearful of what may happen to their homes in this area. Their rights and their fears should be considered and should be considered carefully. It is ironic that this happens to be in the district in which both the leaders of the State and local government turned their backs on Susette Kelo and brought about that infamous court case decision dealing with Kelo, imminent domain issues.

We do not want that to be replicated, which is clearly why the Republicans presented language in both the Resources and Rules Committee to make it specifically clear what was the intent of this bill. The language we propose simply says, no Federal funds may be used to condemn land to carry out the purposes of this act or the amendment made by subsection B. Nothing would be done. It is puzzling to us why the Democratic Party would not support that language, when all the Democrats from the sponsor to the committee chairman say that is, indeed, their goal.

If their goal is not to use condemnation, then you should say so. Why this wasn't accepted in a bipartisan way is, for me, puzzling. Otherwise, this bill need not to be here today; it could easily be handled by unanimous consent.

The language that the chairman of the subcommittee gave you does not prohibit condemnation. It is based on zoning ordinances, zoning ordinances.

It is unusual that, indeed, Federal statute should be contingent on local governments coming up with their zoning ordinance as of a specific date.

What happens if they don't have those? What happens if they change those zoning ordinances, as has already happened?

This is like a trial lawyer's dream come true in being able to take this language to a court and say, Look, Congress didn't specifically protect property rights with no condemnation language; they put their emphasis on local control. Ergo, local control should take precedence.

They claim that the only land that will be taken will be done by donations or willing sellers. Another phrase, we have problems, simply because we have files that are bulging, of citizens who became willing sellers only after years of harassment put on them by Federal agencies.

If you mean that you don't want condemnation, say it. Say it in logical terms that any citizen, any lawyer or any judge will clearly understand.

If you don't mean it, then use doubletalk, use loopholes. There is more that we need to talk about on this particular issue.

Madam Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Madam Speaker, local ordinances are being changed, and that will allow the National Park Service to invoke its condemnation authority as one of the issues that my good friend brought up now.

What I would like to say, the specific language of the bill denies the National Park Service any condemnation authority. Even if a local government were to change this ordinance, the National Park Service wanted to exercise condemnation authority, they would have to come back and they would have to get this law changed.

Madam Speaker, I yield as much time as he may consume to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON of Connecticut. Madam Speaker, I rise in strong support of H.R. 986 and commend Representative COURTNEY for his outstanding work.

JOE COURTNEY, in so many ways, is a story about so many people who come to the House of Representatives, not unlike ''Mr. Smith Goes to Washington'' and finds out that, when he presents a bill that's straightforward and works diligently at it and presents it on the floor, only to find that opposition rises where there should be unanimity.

Now, my good friend and colleague from Utah talks about the concern of imminent domain, and yet the bill clearly forbids this. More important than the bill, however, that local authorities in the communities of Salem, East Haddam and Lyme and the entire Connecticut legislature, as well as the Republican Governor from the State of Connecticut, as well as the entire Connecticut delegation, including Republican CHRIS SHAYS.

It seems as though Mr. COURTNEY has, perhaps, committed the grievous sin of coming to Washington and being able to accomplish more in 6 months than his predecessor accomplished in 6 years. For this, he is to be punished.

This bill should be by unanimous consent, an acclamation, because of the way it was worked on, because of the kind of support that it has, because of how important it is to the citizens of the State of Connecticut, who, indeed, on a local level and at the State level through the legislature, and for a party that claims to be for States' rights, why they would oppose the will of the local entity, and the State legislative body, and the Governor of the State of Connecticut, is somewhat astounding.

□ 2315

Now, I am sure if that happened in Utah, if the legislature in Utah passed it, if the Governor in Utah agreed with it and local municipalities approved of it in the impacted region, you would oppose it as well. I think not. But such is the case here.

And I am pleased that the gentleman from Arizona outlined and articulated this very important piece of legislation for the citizens of the State of Connecticut. As I said, and I will repeat again, it has the support of the entire Connecticut delegation, including our two United States Senators. Why? Because this is a project that has been worked on for 10 years, because it has gone through a very thoughtful process. And the difference being that they finally elected an individual who is effective, who has the capability of bringing people together on all sides of the issue and making sure that he gets the job done.

Congratulations, Joe. Job well done.

Mr. BISHOP of Utah. I am very pleased to yield to the gentleman from New Mexico (Mr. PEARCE) such time as he may consume.

Mr. PEARCE. I thank the gentleman from Utah and recognize the hard work of my friend from Arizona (Mr. GRIJALVA).

I think that we all agree patently that the underlying bill is not a problem. The problem is a very simple sentence that my friend from Utah would have included: no Federal funds may be used to condemn land, carry out the purposes of this act, or the amendment made by subsection B. It is a very simple amendment, one that is very clear.

One would have to ask: Are there circumstances where we would be concerned about confiscation? Is it a valid concern? Has it been done before? Is it a worry that land owners or property owners might have to fear that confiscation would actually reach in and take their property and wrestle it away from them? That is the essential question before us.

As the chairman of the Parks Subcommittee last year, we had the opportunity to listen to people along the Appalachian Trail. The Friars case was most prevalent. It is not the actual condemnation; it is the threat of condemnation that is the tool that is most often used; that we begin to persist from the Federal Government that we are going to take your land; that we can; that you need to just get along. So we have seen up and down the Appalachian Trail problems that come when land owners get in the way of a very strong central government.

A couple of weeks ago I had the opportunity to be in Shenandoah National Park. I was amazed at the boldness of the park superintendent there. The entire visitors center was filled with stories of exactly the same thing, where a too strong Federal Government came in and began to take people and move them off the land because they were just so inconvenient. These constitutional rights of private property ownership were so inconvenient that we simply confiscated their land and moved about 4,000 families out of that whole Shenandoah area.

Confiscation is a very real thing to people of New Mexico. The White Sands missile range extends for 100 miles north to south, 40 miles east to west. Ranch was confiscated because the Defense Department felt like it wanted to create a training base. Now, all of us in the area support the training base. We support that it is the largest overland missile training proving ground in the world. We are able to do magnificent things there. But we cannot turn a blind eye to the way that parcel of land was put together, by taking people and evicting them off their land.

Recently, I had the opportunity to stumble across one of the books that people in dire frustration write in their home. No major publisher would pick it up and do it. It wasn't very well written, maybe. But it was published on a small printer or maybe even one of the old copying machines that we used to have in high school, but it talked about 50 years of confiscation there in that one section of New Mexico.

So, yes, we do in this country face a problem of a too strong central government. I don't know if it is going to be a problem; Mr. BISHOP alludes to the fact that we have land owners there who are expressing their concern of what is going to happen to them. None of us can say what any bureaucracy would do in the future. All we can do is offer the security of this one simple sentence: no Federal funds may be used to condemn land to carry out the purposes of this act or the amendments made by this subsection (b).

Now, there are those who completely oppose this kind of restriction. Recently, I volunteered to help with the Continental Divide Trail that runs north-south, through the United States. It starts at the Mexican border, goes all the way to the Canadian border, and runs all the way north to south through New Mexico. That trail was originated in 1978 language, but in the intervening years not one mile across private property had ever been gotten. I volunteered to take that task on, but the one reassurance people wanted was, don't let them come and take my land later.

I am sympathetic to the rights of private property owners. I think that we all should be, because private property ownership is at the heart of the success of our democracy and this Republic that we represent people in. Private property ownership is the basis of our Constitution. It is the basis of the economic way of life that we have in this country, and we should jealously guard it even to the point of putting in simple language like that that Mr. BISHOP has suggested. It is not an unreasonable request.

And, no, it is not some scheme rigged up to make it look like someone didn't get their job done. It is simply the people out West, where 60 and 70 and 80 percent of our States are owned by Federal Governments. Those people out West have a different view than those people on the east coast where almost nothing is owned by the Federal or State government. And we out West say, please, just take the time to put in this one simple sentence, to take the precautions that would protect the constitutional rights and liberties of our residents. It is not an unreasonable request, and we simply ask that the bill be voted against because of that one provision that is missing. I thank the gentleman for yielding.

Mr. GRIJALVA. I thank the gentleman from New Mexico. And I would just point out that every time, and I am guilty of that, too, when we vote for a highway bill, a defense bill, a water bill that comes before us, we are voting for the ability of the Federal Government to conduct condemnation. This is not the case in this legislation. It is specifically prohibited in two sections of this bill.

I yield to the sponsor, my good friend from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Madam Speaker, I thank the gentleman for his leadership on this legislation. And I also want to thank my colleague from Connecticut (Mr. LARSON) for his strong words in support of this measure, which again is something that people in Connecticut are watching anxiously in terms of the actions of this body.

Madam Speaker, I submit for printing in the RECORD letters of support for this legislation from the Republican Governor of Connecticut, Jodi Rell; the first selectman of the town of East Haddam, Brad Parker; the Republican first selectman from the town of Salem, Larry Reitz; the Republican first selectman of the town of Lyme, Ralph Eno; and also a letter of support from the State of Connecticut's Attorney General, Richard Blumenthal, all of whom have reviewed this legislation and have, very mindful of the situation that occurred in London, a year ago, have examined the question of whether or not this legislation opens the door to condemnation of eminent domain, and all have expressed their support for the committee bill which is before the House this evening and will be voted on tomorrow.

ATTORNEY GENERAL,
STATE OF CONNECTICUT,
Hartford, CT, July 19, 2007.

Hon. JOSEPH D. COURTNEY,
U.S. Congressman,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: I am writing to support H.R. 986, the Eightmile Wild and Scenic River Act, which designates certain areas of the Eightmile River in Lyme, Salem and East Haddam as part of the National Wild and Scenic Rivers System. This river is a great asset to the people of Connecticut, and such designation will enhance efforts to preserve and protect its beauty and environmental integrity.

The proposal also protects the property rights of land owners within the designated areas from federal eminent domain takings by expressly stating that the Secretary of the Interior's authority to acquire property

in this area ''shall be limited to acquisition by donation or acquisition with the consent of the owner thereof . . .'' Section 2(g).

The Secretary's general statutory authority under the Wild and Scenic Rivers Act to acquire land is already severely circumscribed. The Act flatly prohibits use of eminent domain if the lands are subject to local zoning laws that conform to proposes of the Act. According to the Interior Department, there have been no condemnations under this Act in the past 30 years. Nevertheless, H.R. 986 goes even further by prohibiting the use of eminent domain by the Secretary under any circumstance.

I commend your leadership on this critical legislation.

Very truly yours,

RICHARD BLUMENTHAL.

LYME, CT,
July 11, 2007.

CONGRESSMAN JOE COURTNEY,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: I am writing to reaffirm my longstanding support for legislation to secure federal ''wild and scenic'' designation for the Eight Mile River. The towns of Lyme, East Haddam and Salem have invested considerable time and effort to protect this vital asset common to our communities.

Approval of your bill is key to insuring the integrity of the stream as well as safeguarding the rural character and quality of life in Lyme, I cannot stress its importance to our respective communities strongly enough.

Thank you for your efforts on our behalf.

Best Regards,

RALPH ELIO,
First Selectman.

JULY 9, 2007.

Hon. JOSEPH COURTNEY,
Canon House Office Building,
Washington, DC.

DEAR CONGRESSMAN COURTNEY: As First Selectman for the Town of Salem I would like to reiterate Salem's strong commitment to protecting and preserving the Eight Mile River and the surrounding watershed. Resources such as this are critically important in the health and well being of all residents in this part of Southeastern Connecticut, and need to be recognized for their intrinsic value.

Federal designation as a Wild and Scenic River is an important part of preserving this natural resource. The Town of Salem is pleased that you have chosen to sponsor this effort and guide it through the legislative process. Thank you, and if we can be of any additional assistance in support of your efforts please do not hesitate to contact us.

Sincerely,

R. LARRY REITZ,
First Selectman.

SELECTMEN'S OFFICE,
TOWN OFFICE BUILDING,
East Haddam, CT, July 6, 2007.

Hon. JOSEPH COURTNEY,
Congressman, Second District,
Norwich, CT.

DEAR CONGRESSMAN COURTNEY: Thank you for your time and effort in this important matter. I am writing to reassure you that the citizens and elected officials of East Haddam are overwhelmingly in favor of Wild & Scenic designation.

Over ten years ago my predecessor, along with the First Selectmen from Lyme and Salem signed the Eightmile River Watershed Conservation Compact. That inter-municipal agreement represented East Haddam's commitment to a regional project that our town has participated in and endorsed widely. The Compact states: ''We understand that 1) land use in our towns is the key determinant to the health of the Watershed's natural resources; 2) a healthy watershed ecosystem is consistent with our town goals of promoting a healthy community, preserving rural character, and nurturing suitable economic growth.''

This broad view of the Eightmile River Watershed including its rural character, economic well being and intact natural resources has led to a heightened awareness and concern for this fragile system by a broad spectrum of town residents. Over the 12 years of East Haddam's participation in the Eightmile work, I have heard of only a small number of individuals who oppose the project. We have overwhelming support from the business community and private citizens alike. In fact, our river front landowners are some of the strongest advocates—they deeply understand the risks that unchecked development and sprawl will have on the river in their own back yards. The town has also taken measures to protect much of the open space in the watershed area.

Thanks again for your time and attention to our pristine Eightmile Watershed.

Sincerely,

BRAD PARKER,
First Selectman.

STATE OF CONNECTICUT
EXECUTIVE CHAMBERS,
Hartford, CT, July 11, 2007.

Congresswoman NANCY PELOSI,
Speaker of the House of Representatives,
Congressman STENY HOYER,
House Majority Leader,
Congressman JOHN BOEHNER,
House Minority Leader,
Congressman ROY BLUNT,
House Minority Whip.

DEAR SPEAKER PELOSI AND CONGRESSMEN HOYER, BOEHNER AND BLUNT: I am writing to express my support for HR 986, which will designate certain sections of the Eightmile River in southeastern Connecticut for inclusion in the National Park Service's Wild and Scenic River System. Including parts of this exceptional natural and cultural resource within this program will help ensure that it receives the protections that it deserves.

I understand that this legislation also will protect property owners from having their lands taken by condemnation without the consent of the property owner. As you may know, this has become an important issue in Connecticut in the wake of the U.S. Supreme Court's Keto decision, and I am pleased that HR 986 will respect the rights of property owners.

Thank you for your efforts to help preserve this river, its tributaries and watershed.

Very truly yours,

M. JODI RELL,
Governor.

As Mr. GRIJALVA has indicated, this effort has been 10 years in the making. It has been a grass-roots effort. There have been meetings of planning and zoning commission, inland wetland commission, town meetings in the district. The idea of trying to protect this gem, this beautiful river in one of the most densely populated parts of the country, is something that people in these towns have come together on a bipartisan basis, Republican and Democrat, property owners and public officials, and have embraced the idea of the Wild and Scenic Act designation as a way of preserving this river with unique and special characteristics.

There are 168 rivers in this country protected by the Wild and Scenic law and program that has been in place for over 30 years. Now, maybe we are just not getting news in our part of the country, but we have not read of any wave or epidemic of condemnation or eminent domain that is taking place across this country as a result of this legislation. It is not about ownership by the government. What it is about is preserving water quality and preserving species and vegetation flora and fauna that have been identified by the National Park Service through a very strict system of screening to qualify for the status. And what it does is it triggers support and grants so that the characteristics that have been identified will continue to be conserved and preserved into the future.

In 2001 this Congress approved the report authorization for a study to be done of this river again on a bipartisan basis. And in every one of the areas and categories that the National Park Service examines to determine whether or not a river qualifies, Eightmile River passed with flying colors.

The legislation, which was drafted by nonpartisan staff, is based exactly verbatim on Wild and Scenic Act designations that have occurred as recently as the 109th Congress. The gentleman from Utah said that he was surprised that local zoning was being referenced in Federal statutes. Well, he shouldn't be surprised, because the last Congress when they approved a river in the State of New Jersey used exactly the same language. And as Mr. GRIJALVA has indicated, that was also the case with the Farmington River Wild and Scenic Act designation 10 years ago, again, referencing local zoning provisions that triggered the anticondemnation plan and program which the National Park Service has incorporated into the underlying act, into the underlying law that governs the National Wild and Scenic Act provisions.

But let's cut to the chase here. What are the zoning ordinances that we are talking about in these three communities of East Haddam, Salem, and Lyme? They are in fact wetland review requirements for property owners who border the body of water, the river. In the town of Lyme there is a 100-foot setback where you need to get a permit to build, 75 feet in Salem, and 75 feet in East Haddam.

Now, let's be clear here. These wetland requirements existed before, and I want to say that again, before the Eightmile River Project was ever contemplated. These were not the result of the threat of condemnation or the threat of eminent domain. These are zoning ordinances in wetland protection provisions that these towns had adopted long before this project was ever contemplated, and never has there ever been any indication that those wetland review requirements, which again are frankly commonplace throughout Connecticut. I was a town attorney of the community that I come

from, and again you have got to get a permit if you are building in a wetland. You can build in a wetland if the wetland commission gives you permission. But if you disturb wetlands or disturb a body of water, you have to mitigate for it. That is basic land use law, certainly in the State of Connecticut and I imagine in many, many other parts of the country.

So when the National Park Service looked at this application and saw what inland wetland protections these towns had already adopted, they clearly indicated that it triggers the anticondemnation provisions of the Wild and Scenic Act. And as Mr. GRIJALVA has stated, the acquisition of lands provision of this statute clearly states that the Federal acquisitions are prohibited and that the provisions of the Wild and Scenic Act that prohibit Federal acquisition of lands by condemnation shall apply to this project, to this request.

Now, again, we had some discussion at the public hearing, and I apologize if I in my exuberance overstated the support that existed in the area. What I guess I meant to say is that the Land Use Commission all came together in support of it. But I know New England town meetings; I have been through enough of them as a town attorney to know that unanimity is hard to find almost on any agenda item that comes before it.

But the fact of the matter is that we used statutory language which has verbatim been used in other Wild and Scenic Act designations, drafted by nonpartisan staff. I think Mr. GRIJALVA bent over backwards to try to accommodate the concerns when there was a debate at the time the committee reported the bill out.

□ 2330

And again, I emphasize the fact that this anticondemnation provision would be incorporated into the very statute, it wasn't just simply relying on National Park Service's representations, and brought the bill to the floor on the suspension calendar thinking that that really was the end of the debate over that issue. Well, obviously it wasn't. It was requested, a rollcall vote, and although 18 Republicans did support us at the time the vote was taken, it was not sufficient to hit the two-thirds number.

Now, press releases went out to local newspapers in Connecticut breathlessly exclaiming that JOE COURTNEY was out there trying to push a bill that was going to create eminent domain or condemnation in the area, and I've got to tell you, it was greeted by ridicule and guffaws in Connecticut.

The Hartford Current, there's a clip here that we're presenting, dismissed the concerns as just simply none of it was true. The New London Day, the paper of record in the community of New London, which was, again, where the Kelo case was located, wrote an editorial after reviewing the claim that somehow this bill was going to create eminent domain in the Eightmile River region completely dismissed it out of hand. And both newspapers called on Congress to get serious and to act swiftly and to make sure that the 10 years of hard bipartisan work that has gone on in these communities is completed by passage of this legislation, just like we did in the 109th Congress for a New Jersey river, using verbatim, the same language incorporating local zoning as the trigger for anticondemnation provisions by the National Park Service. And that's exactly what we've done with this legislation, and we are asking no more and no less than what Congress has done in numerous instances where wild and scenic act designation took place.

This is a beautiful, beautiful part of Connecticut. I invite anyone to come up there. When the river's running high, you can kayak on the Eightmile River, fly fishing during the summer. In the winter, take a walk in the woods like Robert Frost described. It is spectacular and amazing, given, again, the fact that we live in such a densely populated part of the country.

Mr. PEARCE. Would the gentleman yield?

Mr. COURTNEY. Sure. I'd be happy to yield.

Mr. PEARCE. The gentleman understands, I mean, it is a very straightforward, transparent thing that we're suggesting. What was offensive about this particular amendment that simply says no Federal funds may be used to condemn, and it just gets really clear, because again, those of us in the West, maybe we're overly sensitive, but so much land has been taken from us that it is, it is a point at which we begin to resist. Why wasn't that amendment simply agreed to?

Mr. COURTNEY. Well, again, I don't sit on the Resources Committee, on the day that this was deliberated on, but, I think clearly, and I don't want to put words in the Chairman's mouth, and he can probably answer this when maybe the microphone goes back to him, but my understanding is that basically they wanted to follow the basic statutory format that has worked in all the other designations that this Congress has taken up in the past, and where really honestly there has not been a problem of condemnation or eminent domain of the property owners. But that's the best of my knowledge.

Mr. PEARCE. I appreciate the gentleman's comments. And if he would yield further, just point out that, again, we have had so many people come and testify about the Appalachian Trail that came through there, and I wouldn't call it systematic, but enough to where we began to feel, I began to feel uncomfortable with a too-strong National Park Service that was very energized about just getting this little parcel here, and it would make things fit so well that they began to really use their power in a way that was distressing. And that's, again, it's a very simply straightforward, transparent piece that is the problem.

We've got some magnificent vistas out West that might not equal what you're talking about, but we share our love for those things, and it's unfortunate that this bill is kind of the focal point for this particular dispute. But again, it's certainly nothing to do with the gentleman's underlying assumption or his belief that this river is worth protecting, but is instead one that we're expressing our concern as cleanly as we can that a government can be too strong and too large and too heavy-handed. And we worry about that.

But I thank the gentleman for yielding.

Mr. COURTNEY. And in conclusion, again, I'd be happy to submit an excerpt from the Eightmile River Watershed management plan, which again confirms what the zoning and wetland regulations, which ones were examined by the National Park Service and by the committee, again, the 75-foot and the 100-foot setback for wetland permits, which, again, were satisfactory in terms of triggering the anticondemnation provisions of the wild and scenic act, which, again, I think have worked without a hitch based on any data and information, facts or law that the committee staff and the committee leadership has examined.

In conclusion, I just want to thank, again, the leadership of the committee for the work that they've done on this legislation. I hope maybe this colloquy has reassured people that this is not a plan which is about trying to ram through government authority to take people's property rights away. It has been fashioned and designed in a way that accommodates people's input and participation with, again, property owners in strong support of it. Their names were submitted to the committee during the committee process. And again, I want to thank Mr. GRIJALVA for his leadership on this issue.

ADEQUACY OF PROTECTION

An important component of the management plan development process was determining the adequacy of existing protection mechanisms to protect and enhance the watershed's outstanding resource values. Determining adequacy achieves objectives:

(1) Proving that local communities meet the requirements of Section 6(c) of the Wild & Scenic Rivers Act.

Section 6(c) of the Wild & Scenic Rivers Act states:

"(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act and (8) the protection af the bank lands by means of acreage, frontage, and setback requirements on development."

Local, state and federal regulations, combined with protected lands and physical constraints to development (i.e. floodplains, wetlands, topography, etc.) create enough of an existing protection scheme to make federal condemnation of lands unreasonable and unnecessary. While no new actions are deemed required by the towns to meet the requirements of Section 6(c), the management recommendations in Section VI are considered critical to the overall long-term quality of the watershed's outstanding resource values.

At the local and state level, a number of key actions underscore the current level of protection and the dedication to river and watershed conservation:

Local upland review areas are in place in all three communities. These are the areas within 100 feet of wetlands and watercourses in East Haddam and Lyme, and 75 feet in Salem. Municipal Inland Wetland and Watercourse Commissions can regulate activities in upland review areas that would likely impact wetland or watercourse function. Reviews in upland areas may include assessing and regulating impacts from a proposed activity on hydrologic, water quality and ecological functions.

All three towns have adopted net buildable area requirements in their subdivision regulations recognizing new construction should be compatible with the carrying capacity of the land to sustain it. In addition, Salem requires 75% of the net buildable area be outside of the upland review area, and Lyme requires all of the net buildable area be at least 100 feet back from wetlands and watercourses.

Local communities, working in partnership with local land trusts, the state and The Nature Conservancy, have directly preserved 28% of the watershed (over 11,000 acres of land), and 25% of all river frontage within 100 feet of the 160 miles of river and stream in the watershed.

Mr. BISHOP of Utah. If I could ask the gentleman from Arizona how many more speakers you have.

Mr. GRIJALVA. We have no additional speakers.

Mr. BISHOP of Utah. Madam Speaker, I yield myself the balance of my time.

As I said before, there are some significant issues that always take place on these particular types of bills. Indeed, there is no basic statutory structure for wild and scenic bills. They've gone all over the place, including the now infamous one in New Jersey, which I think was actually the last bill to go through during the last session.

These are the issues that we've talked about before which can, indeed, take place under wild and scenic areas where people do not have the right to fix their roof, do not have the right to expand their garage, do not have the right to clear areas on their own property. It is not just a possibility; it is actually a probability. There is precedent for all of those.

But once again, this isn't this key issue. We are willing to have 8 miles of scenic river in Connecticut. The key issue is defending those people in Connecticut and establishing a precedent that is significant the rest of the way.

It's not simply a matter of reading the bill; it's a matter of reading the law. The language of zoning requirement, which once again is a conditional one. You mentioned the Attorney General from the State of Connecticut wrote a letter and once again he said the act flatly prohibits use of eminent domain if, and once again that's the conditional language, if the lands are subject to local zoning laws that conform to the purposes of the act. And once again the date that these zoning laws should have been in effect, the zoning ordinances have already been changed from that particular date.

But the key element is that that zoning language, that willing seller language, is inserted into the existing bill and it comes directly after this sentence, and the sentence is very clear. Nothing contained in this section, which is everything we've been talking about in this bill, nothing contained in this section however, shall preclude the use of condemnation. Nothing that you add as far as zoning ordinances or willing sellers precludes the right the Secretary of Interior has in the rest of the bill and the rest of the section from condemnation, unless you simply adopt the Republican language, and that is why we hit over and over and over again on this issue.

It is important that we stand up for property rights and personal property. It's important that people have some sense of security and safety in their own homes. And this bill doesn't take away this provision of the act which says, nothing contained in this section shall preclude the use of condemnation. That is to which we object. That is the problem with this bill. That is what must change.

The Republican option was clear, simple and to the point. The Democrat option, whatever the motive was, is somewhat double-talk. It's a loophole. This language that we propose is very similar to what this body adopted by a voice vote with the Department of Interior appropriations bill.

And in conclusion, Madam Speaker, I'm actually sad that we had this bill before us at all. There is no reason this bill should be before us with a closed rule. I wish that the Democrats had moved in a bipartisan way to work with us to meet what are legitimate concerns. And if, indeed, protection of private property is a partisan issue, I'm more than happy to be on the side of private property. That's the right side to be on in this issue. This bill may indeed sometime become a metaphor for this entire section where we can see how much muscle can be flexed to push through issues rather than sitting down and trying to solve problems.

I truly hope that in the future we can work in a bipartisan way, that we can actually talk together to find language that is mutually acceptable to both sides of the aisle for these issues, because there's no reason that we should actually have to go through a closed rule on this type of a bill.

But the issue is simply black and white or yellow and black, I guess. Will you actually ensure, by taking the money away, there is no condemnation, or do you leave the language in the act? It's clear. It's understandable. It should be clear to our colleagues. It will be clear to our constituents and our voters.

Madam Speaker, I yield back the balance of my time, with the exception of 2 minutes, which I reserve for tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Mr. GRIJALVA. Madam Speaker, I thank my good friend from Utah, the ranking member.

Just in closing, let me say that the Appalachian Trail that was referenced by the gentleman from New Mexico has, in the legislation, condemnation as part of it. This particular bill does not. And there is separate language, aside from the section that my good friend from Utah presented today, that adds an additional prohibition and a protection for the acquisition of private property in this legislation.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 986, the Eightmile Wild and Scenic River Act, which would add the Eightmile River to the Wild and Scenic Rivers System.

This legislation has overwhelming bipartisan support from the National Park Service, the bipartisan Connecticut House delegation, the Republican Governor of Connecticut, the Attorney General of Connecticut, the three local mayors, and the State legislature, which passed a resolution in support of Wild and Scenic designation.

Concerns have been raised that H.R. 986, the Eightmile Wild and Scenic River Act, would allow land condemnations within the Eightmile River corridor. This is not the case. The bill prohibits eminent domain, condemnation or any takings.

H.R. 986 also explicitly states: "The authority of the Secretary to acquire lands for the purposes of this Act shall be limited to acquisition by donation or acquisition with the consent of the owner thereof, and shall be subject to the additional criteria set forth in the Eightmile River Watershed Management Plan." This prohibits condemnations regardless of how local zoning laws apply.

The Eightmile River is a worthy addition to the Wild and Scenic Rivers System. I strongly urge passage of H.R. 986.

Mr. GRIJALVA. Madam Speaker, I yield back all but 2 minutes and reserve the 2 minutes until tomorrow.

The SPEAKER pro tempore. The gentleman's time has expired. There are 2 minutes remaining.

Pursuant to section 2 of House Resolution 580, further proceedings on the bill will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. SHEA-PORTER). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.