

When there appeared { Yeas 418
 Nays 0

¶46.13

[Roll No. 130]

YEAS—418

Abercrombie	DeLay	Hunter
Ackerman	Dellums	Hutchinson
Allard	Deutsch	Hyde
Andrews	Diaz-Balart	Inglis
Archer	Dickey	Istook
Armey	Dingell	Jackson (IL)
Bachus	Dixon	Jackson-Lee
Baesler	Doggett	(TX)
Baker (CA)	Dooley	Jacobs
Baker (LA)	Doolittle	Jefferson
Baldacci	Dornan	Johnson (CT)
Ballenger	Doyle	Johnson (SD)
Barcia	Dreier	Johnson, E. B.
Barr	Duncan	Johnson, Sam
Barrett (NE)	Dunn	Johnston
Barrett (WI)	Durbin	Jones
Bartlett	Edwards	Kanjorski
Barton	Ehlers	Kaptur
Bass	Ehrlich	Kelly
Bateman	Emerson	Kennedy (MA)
Becerra	Engel	Kennedy (RI)
Beilenson	English	Kennelly
Bentsen	Ensign	Kildee
Bereuter	Eshoo	Kim
Berman	Evans	King
Bevill	Everett	Kingston
Bilbray	Ewing	Kleczka
Bilirakis	Farr	Klink
Bishop	Fattah	Klug
Bliley	Fawell	Knollenberg
Blute	Fazio	Kolbe
Boehlert	Fields (LA)	LaFalce
Boehner	Filner	LaHood
Bonilla	Flake	Lantos
Bonior	Flanagan	Largent
Bono	Foley	Latham
Borski	Forbes	LaTourette
Boucher	Ford	Lazio
Brewster	Fowler	Leach
Browder	Fox	Levin
Brown (CA)	Frank (MA)	Lewis (CA)
Brown (FL)	Frank (CT)	Lewis (GA)
Brown (OH)	Frank (NJ)	Lewis (KY)
Brownback	Frelinghuysen	Lightfoot
Bryant (TN)	Frisa	Lincoln
Bryant (TX)	Frost	Linder
Bunn	Funderburk	Lipinski
Bunning	Furse	LoBiondo
Burr	Galleghy	Lofgren
Burton	Ganske	Longley
Buyer	Gejdenson	Lowey
Callahan	Gekas	Lucas
Calvert	Gephardt	Luther
Camp	Geren	Maloney
Campbell	Gibbons	Manton
Canady	Gilchrest	Manzullo
Cardin	Gillmor	Markey
Castle	Gilman	Martinez
Chabot	Gonzalez	Martini
Chambliss	Goodlatte	Mascara
Chapman	Goodling	Matsui
Chenoweth	Gordon	McCarthy
Christensen	Goss	McCollum
Chryslers	Graham	McCrery
Clay	Green (TX)	McDermott
Clayton	Greene (UT)	McHale
Clement	Greenwood	McHugh
Clinger	Gunderson	McInnis
Clyburn	Gutierrez	McIntosh
Coble	Gutknecht	McKeon
Coburn	Hall (OH)	McKinney
Coleman	Hall (TX)	McNulty
Collins (GA)	Hamilton	Meehan
Collins (IL)	Hancock	Meek
Collins (MI)	Hansen	Metcalf
Combest	Harman	Meyers
Condit	Hastert	Mica
Conyers	Hastings (WA)	Millender-
Cooley	Hayes	McDonald
Costello	Hayworth	Miller (CA)
Cox	Hefley	Miller (FL)
Coyne	Hefner	Minge
Cramer	Heineman	Mink
Crane	Herger	Moakley
Crapo	Hilleary	Molinari
Creameans	Hilliard	Mollohan
Cubin	Hinchey	Montgomery
Cunningham	Hobson	Moorhead
Danner	Hoekstra	Moran
Davis	Hoke	Morella
de la Garza	Holden	Murtha
Deal	Horn	Myers
DeFazio	Hostettler	Myrick
DeLauro	Hoyer	Nadler

Neal	Rose	Tanner
Nethercutt	Roth	Tate
Neumann	Roukema	Tauzin
Ney	Roybal-Allard	Taylor (MS)
Norwood	Royce	Taylor (NC)
Nussle	Rush	Tejeda
Oberstar	Sabo	Thomas
Obey	Salmon	Thompson
Oliver	Sanders	Thornberry
Ortiz	Sanford	Thornton
Orton	Sawyer	Thurman
Owens	Saxton	Tiahrt
Oxley	Scarborough	Torkildsen
Packard	Schaefer	Torres
Pallone	Schiff	Torricelli
Pastor	Schumer	Towns
Paxon	Scott	Traficant
Payne (NJ)	Seastrand	Upton
Payne (VA)	Sensenbrenner	Velazquez
Pelosi	Serrano	Vento
Peterson (FL)	Shadegg	Visclosky
Peterson (MN)	Shaw	Volkmer
Petri	Shays	Vucanovich
Pickett	Shuster	Walker
Pombo	Sisisky	Walsh
Pomeroy	Skaggs	Wamp
Porter	Skeen	Ward
Portman	Skelton	Waters
Poshard	Slaughter	Watt (NC)
Pryce	Smith (MI)	Watts (OK)
Quillen	Smith (NJ)	Waxman
Quinn	Smith (TX)	Weldon (FL)
Radanovich	Smith (WA)	Weldon (PA)
Rahall	Solomon	Weller
Ramstad	Souder	White
Rangel	Spence	Wicker
Reed	Spratt	Williams
Regula	Stark	Wise
Richardson	Stearns	Wolf
Riggs	Stenholm	Woolsey
Rivers	Stockman	Wynn
Roberts	Stokes	Yates
Roemer	Studds	Young (AK)
Rogers	Stump	Young (FL)
Rohrabacher	Stupak	Zeliff
Ros-Lehtinen	Talent	Zimmer

NOT VOTING—14

Dicks	Kasich	Parker
Fields (TX)	Laughlin	Schroeder
Foglietta	Livingston	Whitfield
Hastings (FL)	McDade	Wilson
Houghton	Menendez	

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

Ordered. That the Clerk request the concurrence of the Senate in said bill.

¶46.14 PROVIDING FOR THE CONSIDERATION OF H.R. 1675

Mr. GOSS, by direction of the Committee on Rules, called up the following resolution (H. Res. 410):

Resolved. That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record on April 16, 1996 and numbered 1 pursuant to clause 6 of rule XXIII. Each section of that amendment in the nature of a substitute shall be considered as read. Points of order against

that amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

When said resolution was considered. After debate,

On motion of Mr. GOSS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶46.15 RECESS—1:47 P.M.

The SPEAKER pro tempore, Mr. BURTON, pursuant to clause 12 of rule I, declared the House in recess at 1 o'clock and 47 minutes p.m., until 2:30 p.m.

¶46.16 AFTER RECESS—2:30 P.M.

The SPEAKER pro tempore, Mr. MCCRERY, called the House to order.

¶46.17 NATIONAL WILDLIFE REFUGE IMPROVEMENT

The SPEAKER pro tempore, Mr. MCCRERY, pursuant to House Resolution 410 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 1675) to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

The SPEAKER pro tempore, Mr. MCCRERY, by unanimous consent, designated Mr. GILLMOR as Chairman of the Committee of the Whole; and after some time spent therein,

The SPEAKER pro tempore, Mr. PETRI, assumed the Chair.

When Mr. GILLMOR, Chairman, pursuant to House Resolution 410, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES.

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

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

SEC. 2. FINDINGS.

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

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

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

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

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

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

SEC. 3. DEFINITIONS.

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

(1) is redesignated as section 4; and

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

“SEC. 4. DEFINITIONS.

“For purposes of this Act:

“(1) The term ‘compatible use’ means a use that will not materially interfere with or detract from the fulfillment of the purposes of a refuge or the overall mission and purposes of the System specified in sections 4(a)(2) and (3), respectively, as determined by sound resource management, and based on reliable scientific information.

“(2) The terms ‘conserving’, ‘conservation’, ‘manage’, ‘managing’, and ‘management’, when used with respect to fish and wildlife, mean to use, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs including protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

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

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

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

“(4) The term ‘Director’ means the Director of the United States Fish and Wildlife Service.

“(5) The terms ‘fish’, ‘wildlife’, and ‘fish and wildlife’ mean any wild member of the animal kingdom whether alive or dead, and

regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

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

“(7) The term ‘person’ means any individual, partnership, corporation or association.

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

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

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

“(11) The term ‘Secretary’ means the Secretary of the Interior.

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

“(13) The term ‘System’ means the National Wildlife Refuge System designated under section 4(a)(1).

“(14) The terms ‘take’, ‘taking’, or ‘taken’ mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.”.

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

SEC. 4. MISSION AND PURPOSES OF THE SYSTEM.

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

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

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

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

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

“(3) The purposes of the System are—

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

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

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

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

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

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

SEC. 5. ADMINISTRATION OF THE SYSTEM.

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

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

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

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

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

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

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

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

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

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

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

“(J) provide increased opportunities for families to experience wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

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

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

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

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

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

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

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

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

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

(3) in paragraph (2)—

(A) by striking “to accept” and inserting “Accept”; and

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

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

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

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

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

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

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

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

“(iii) The Secretary shall permit fishing and hunting on a refuge if the Secretary determines that the activities are consistent with the principles of sound fish and wildlife management, are compatible uses (consistent with the purposes of the System under subsection (a)(3)), and are consistent with public safety. No other determinations or findings, except the determination of consistency with State laws and regulations provided for in subsection (m), are required to be made for fishing and hunting to occur. The Secretary may make the determination referred to in this paragraph for a refuge concurrently with the development of a conservation plan for the refuge under subsection (e).

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

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

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

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

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

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

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

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

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

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

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

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

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

“(A) overflights above a refuge; and

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

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

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

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

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

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

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

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

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

“(iii) issue a final conservation plan for each planning unit consistent with the provi-

sions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

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

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

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

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

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

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

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

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

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

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

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

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

“(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

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

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

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

gether with a statement of the disposition of concerns expressed in those comments.

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

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

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

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

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

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

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

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

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

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

“(o)(1) Nothing in this Act shall—

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

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

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

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

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

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

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

SEC. 9. STATUTORY CONSTRUCTION.

Nothing in this Act is intended to affect—

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

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

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

SEC. 10. NEW REFUGES.

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

SEC. 11. REORGANIZATIONAL TECHNICAL AMENDMENTS.

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

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

“SECTION 1. SHORT TITLE.

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

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

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

(A) by redesignating that section as section 2;

(B) by striking “SEC. 4.”; and

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

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

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

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

SEC. 12. AUTHORITY OF SECRETARY OF THE INTERIOR TO ACCEPT STATE DONATIONS OF STATE EMPLOYEE SERVICES DURING GOVERNMENT BUDGETARY SHUTDOWN.

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

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

“(a) IN GENERAL.—The Secretary shall accept from any qualified State donations of services of State employees to perform in a refuge, in a period of Government budgetary shutdown, fish- and wildlife-dependent recre-

ation management functions otherwise authorized to be performed by Department of Interior personnel.

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

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

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

“(c) AGREEMENTS.—

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

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

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

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

“(i) adequate safety training;

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

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

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

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

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

“(f) DEFINITIONS.—In this section—

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

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

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

“(2) the term ‘qualified State’ means a State that has entered into an agreement with the Secretary in accordance with subsection (c).”

The bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, viva voce,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. PETRI, announced that the yeas had it.

Mr. YOUNG of Alaska, objected to the vote on the ground that a quorum was not present and not voting.

A quorum not being present,

The roll was called under clause 4, rule XV, and the call was taken by electronic device.

When there appeared { Yeas 287
 Nays 138

¶46.18

[Roll No. 131]

YEAS—287

Allard	Funderburk	Moorhead
Archer	Gallegly	Murtha
Armey	Ganske	Myers
Bachus	Gekas	Myrick
Baesler	Gephardt	Nethercutt
Baker (CA)	Geren	Neumann
Baker (LA)	Gilchrest	Ney
Ballenger	Gillmor	Norwood
Barcia	Goodlatte	Nussle
Barr	Goodling	Oberstar
Barrett (NE)	Gordon	Obey
Bartlett	Goss	Ortiz
Barton	Graham	Orton
Bass	Green (TX)	Oxley
Bateman	Greene (UT)	Packard
Bereuter	Greenwood	Paxon
Bevill	Gunderson	Payne (VA)
Bilbray	Gutknecht	Peterson (FL)
Bilirakis	Hall (TX)	Peterson (MN)
Bishop	Hamilton	Petri
Bliley	Hancock	Pickett
Blute	Harman	Pombo
Boehlert	Hastert	Pomeroy
Boehner	Hastings (WA)	Porter
Bonilla	Hayes	Portman
Bono	Hayworth	Poshard
Boucher	Hefley	Pryce
Brewster	Hefner	Quillen
Browder	Heineman	Quinn
Brown (FL)	Herger	Radanovich
Brownback	Hilleary	Rahall
Bryant (TN)	Hilliard	Ramstad
Bunn	Hobson	Regula
Bunning	Hoekstra	Riggs
Burr	Hoke	Roberts
Burton	Holden	Roemer
Buyer	Horn	Rogers
Callahan	Hostettler	Rohrabacher
Calvert	Houghton	Ros-Lehtinen
Camp	Hoyer	Ros-Lehtinen
Canady	Hunter	Roukema
Castle	Hutchinson	Royce
Chabot	Hyde	Salmon
Chambliss	Inglis	Sawyer
Chapman	Istook	Saxton
Chenoweth	Jackson-Lee	Scarborough
Christensen	(TX)	Schaefer
Chrysler	Johnson (SD)	Schiff
Clement	Johnson, Sam	Seastrand
Clinger	Jones	Sensenbrenner
Coble	Kanjorski	Shadegg
Coburn	Kaptur	Shaw
Collins (GA)	Kasich	Shuster
Combest	Kelly	Sisisky
Condit	Kim	Skeen
Cooley	King	Skelton
Costello	Kingston	Smith (MI)
Cox	Klecza	Smith (TX)
Cramer	Klink	Smith (WA)
Crane	Klug	Solomon
Crapo	Knollenberg	Souder
Creameans	Kolbe	Spence
Cubin	LaHood	Spratt
Cunningham	Largent	Stearns
Danner	Latham	Stenholm
de la Garza	LaTourrette	Stockman
Deal	Laughlin	Stump
DeLay	Lewis (CA)	Stupak
Diaz-Balart	Lewis (KY)	Talent
Dickey	Lightfoot	Tanner
Dingell	Lincoln	Tate
Doolittle	Linder	Tauzin
Dornan	Livingston	Taylor (MS)
Doyle	LoBiondo	Taylor (NC)
Dreier	Longley	Tejeda
Duncan	Lucas	Thomas
Dunn	Luther	Thornberry
Edwards	Manton	Thornton
Ehlers	Manzullo	Thurman
Ehrlich	Martinez	Tiahrt
Emerson	Mascara	Traficant
English	McCollum	Upton
Ensign	McCrery	Volkmer
Everett	McHugh	Vucanovich
Ewing	McInnis	Walker
Fawell	McIntosh	Walsh
Fields (TX)	McKeon	Wamp
Flake	Metcalf	Ward
Flanagan	Mica	Watts (OK)
Foley	Miller (FL)	Weldon (FL)
Fowler	Minge	Weldon (PA)
Fox	Molinaro	Weller
Franks (CT)	Mollohan	Whitfield
Frisa	Montgomery	Wicker

Williams
Wise

Wolf
Young (AK)

Young (FL)
Zeliff

NAYS—138

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

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

Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Rangel
Reed
Richardson
Rivers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (NJ)
Stark
Stokes
Studds
Thompson
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
White
Woolsey
Wynn
Yates
Zimmer

Ackerman
Foglietta
Hansen

NOT VOTING—7

McDade
Parker
Schroeder
Wilson

So the bill was passed.
 A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.
Ordered, That the Clerk request the concurrence of the Senate in said bill.

¶46.19 CLERK TO CORRECT ENGROSSMENT

On motion of Mr. YOUNG of Alaska, by unanimous consent,
Ordered, That in the engrossment of the foregoing bill the Clerk be authorized to make such technical and conforming changes as may be necessary to reflect the actions of the House.

¶46.20 WAIVING CLAUSE 4(B) OF RULE XI WITH RESPECT TO CERTAIN RESOLUTIONS

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

¶46.21 FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundergan, one of its clerks, announced that the Senate had passed

without amendment a joint resolution of the House of the following title:

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

¶46.22 SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. PETRI, announced that pursuant to clause 4, rule I, the Speaker signed the following enrolled bill earlier today:

S. 735. An Act to deter terrorism, provide justice for victims, provide for an effective death penalty, and for other purposes.

¶46.23 ENROLLED JOINT RESOLUTION SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H.J. Res. 175. Joint resolution making further continuing appropriations for the fiscal year 1966, and for other purposes.

¶46.24 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. MENENDEZ, for April 23 and 24.

And then,

¶46.25 ADJOURNMENT

On motion of Mr. OWENS, at 10 o'clock and 9 minutes p.m., the House adjourned.

¶46.26 REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MCINNIS: Committee on Rules. House Resolution 412. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. No. 104-535). Referred to the House Calendar.

Mr. BLILEY: Committee on Commerce. H.R. 2967. A bill to extend the authorization of the Uranium Mill Tailings Radiation Control Act of 1978, and for other purposes; with an amendment (Rept. No. 104-536). Referred to the Committee of the Whole House on the State of the Union.

¶46.27 PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HEFLEY:
 H.R. 3305. A bill to recognize the heritage of certain areas of the United States, and for other purposes; to the Committee on Resources.

By Mr. GEKAS:
 H.R. 3306. A bill to amend the Internal Revenue Code of 1986 to provide that the compensation of certain election officials and election workers which is exempt from Social Security taxes shall also be exempt from income taxes, and for other purposes; to the Committee on Ways and Means.

By Mr. GEKAS (for himself, Mr. MOORHEAD, Mr. SENSENBRENNER, Mr. COBLE, Mr. SMITH of Texas, Mr. ING-LIS of South Carolina, Mr. HOKE, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BARR, Mr. TALENT, Mr. TAUZIN, and Mr. ZELIFF):