

vided by House Resolution 101, be extended by ten minutes.

37.9 PRIVATE PROPERTY RIGHTS

The SPEAKER pro tempore, Mr. DOOLITTLE, pursuant to House Resolution 101 and rule XXIII, declared the House resolved into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions.

Mr. SHUSTER, Chairman of the Committee of the Whole, resumed the chair; and after some time spent therein,

37.10 RECORDED VOTE

A recorded vote by electronic device was ordered in the Committee of the Whole on the following amendment submitted by Mr. WATT of North Carolina to the foregoing amendment in the nature of a substitute, as amended, submitted by Mr. CANADY:

Strike section 6(f).

It was decided in the negative { Yeas ..... 127 Nays ..... 299

37.11 [Roll No. 196]

AYES—127

- Abercrombie Green Pastor
Ackerman Gutierrez Payne (NJ)
Becerra Hastings (FL) Pelosi
Beilenson Hefner Rahall
Bentsen Hilliard Reed
Berman Hinchey Reynolds
Bishop Hoyer Richardson
Bonior Jackson-Lee Rivers
Borski Jefferson Rose
Boucher Johnson, E. B. Roybal-Allard
Brown (FL) Johnston Rush
Cardin Kaptur Sabo
Clay Kennedy (MA) Sanders
Clayton Kennedy (RI) Sawyer
Clement Kennelly Schroeder
Clyburn Kildee Schumer
Coleman LaFalce Scott
Collins (MI) Lantos Serrano
Conyers Lewis (GA) Skaggs
Coyne Lofgren Slaughter
DeFazio Stark
DeLauro Maloney Stokes
Dellums Manton Studds
Deutsch Markey Thompson
Dingell Martinez Torres
Dixon Matsui Torricelli
Doggett McCarthy Towns
Engel McDermott Tucker
Evans McKinney Velazquez
Farr Meehan Vento
Fattah Meeke Visclosky
Fazio Menendez Ward
Fields (LA) Mfume Waters
Filner Miller (CA) Watt (NC)
Flake Mineta Waxman
Foglietta Mink Williams
Ford Nadler Wise
Frank (MA) Neal Woolsey
Frost Oberstar Wyden
Furse Obey Wynn
Gejdenson Olver Yates
Gephardt Owens
Gibbons Pallone

NOES—299

- Allard Bartlett Brewster
Andrews Barton Browder
Archer Bass Brown (OH)
Army Bateman Brownback
Bachus Bereuter Bryant (TN)
Baesler Beville Bunn
Baker (CA) Bilbray Bunning
Baker (LA) Bilirakis Burr
Baldacci Bliley Burton
Ballenger Blute Buyer
Barcia Boehlert Callahan
Barr Boehner Calvert
Barrett (NE) Bonilla Camp
Barrett (WI) Bono Canady

- Castle Hobson Peterson (MN)
Chabot Hoekstra Petri
Chambliss Hoke Pickett
Chenoweth Holden Pomo
Christensen Horn Pomeroy
Chrysler Hostettler Porter
Clinger Houghton Portman
Coble Hunter Poshard
Coburn Hutchinson Pryce
Collins (GA) Hyde Quillen
Combest Inglis Quinn
Condit Istook Radanovich
Cooley Jacobs Ramstad
Costello Johnson (CT) Regula
Cox Johnson (SD) Riggs
Cramer Johnson, Sam Roberts
Crane Jones Roemer
Crapo Kanjorski Rogers
Creameans Kasich Rohrabacher
Cubin Kelly Ros-Lehtinen
Cunningham Kim Roth
Danner King Roukema
Davis Kingston Royce
de la Garza Kleczka Salmon
Deal Klink Sanford
DeLay Klug Saxton
Diaz-Balart Knollenberg Scarborough
Dickey Kolbe Schaefer
Dicks LaHood Schiff
Dooley Largent Seastrand
Doolittle Latham Sensenbrenner
Doyle LaTourrette Shadegg
Dreier Laughlin Shaw
Duncan Lazio Shays
Dunn Leach Shuster
Durbin Levin Sisisky
Edwards Lewis (CA) Skeen
Ehlers Lewis (KY) Skelton
Ehrlich Lightfoot Smith (MI)
Emerson Lincoln Smith (NJ)
English Linder Smith (TX)
Ensign Lipinski Smith (WA)
Eshoo Livingstone Solomon
Everett LoBiondo Souder
Ewing Longley Spence
Fawell Lucas Spratt
Fields (TX) Luther Stearns
Flanagan Manzullo Stenholm
Foley Martini Stockman
Forbes Mascara Stump
Fowler McCollum Stupak
Fox McCrery Talent
Franks (CT) McDade Tanner
Franks (NJ) McHale Tate
Frelinghuysen McHugh Tauzin
Frisa McInnis Taylor (MS)
Funderburk McIntosh Taylor (NC)
Gallegly McKeon Tejeda
Ganske McNulty Thomas
Gekas Metcalf Thornberry
Geren Meyers Thornton
Gilchrest Mica Thurman
Gillmor Miller (FL) Tiahrt
Gilman Minge Torkildsen
Goodlatte Molinari Traficant
Goodling Mollohan Upton
Gordon Montgomery Volkmer
Goss Moorhead Vucanovich
Graham Moran Waldholtz
Greenwood Morella Walker
Gunderson Murtha Walsh
Gutknecht Myers Wamp
Hall (OH) Myrick Watts (OK)
Hall (TX) Nethercutt Weldon (FL)
Hamilton Neumann Weldon (PA)
Hancock Ney Weller
Hansen Norwood White
Harman Nussle Whitfield
Hastert Ortiz Wicker
Hastings (WA) Orton Wilson
Hayes Oxley Wolf
Hayworth Packard Young (AK)
Hefley Parker Young (FL)
Heineman Paxon Zeliff
Herger Payne (VA) Zimmer
Hilleary Peterson (FL)

NOT VOTING—8

- Brown (CA) Collins (IL) Moakley
Bryant (TX) Dornan Rangel
Chapman Gonzalez

So the amendment to the amendment in the nature of a substitute, as amended, was not agreed to.

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

When Mr. SHUSTER, Chairman, pursuant to House Resolution 101, 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.

This Act may be cited as the "Private Property Protection Act of 1995".

SEC. 2. FEDERAL POLICY AND DIRECTION.

(a) GENERAL POLICY.—It is the policy of the Federal Government that no law or agency action should limit the use of privately owned property so as to diminish its value.

(b) APPLICATION TO FEDERAL AGENCY ACTION.—Each Federal agency, officer, and employee should exercise Federal authority to ensure that agency action will not limit the use of privately owned property so as to diminish its value.

SEC. 3. RIGHT TO COMPENSATION.

(a) IN GENERAL.—The Federal Government shall compensate an owner of property whose use of any portion of that property has been limited by an agency action, under a specified regulatory law, that diminishes the fair market value of that portion by 20 percent or more. The amount of the compensation shall equal the diminution in value that resulted from the agency action. If the diminution in value of a portion of that property is greater than 50 percent, at the option of the owner, the Federal Government shall buy that portion of the property for its fair market value.

(b) DURATION OF LIMITATION ON USE.—Property with respect to which compensation has been paid under this Act shall not thereafter be used contrary to the limitation imposed by the agency action, even if that action is later rescinded or otherwise vitiated. However, if that action is later rescinded or otherwise vitiated, and the owner elects to refund the amount of the compensation, adjusted for inflation, to the Treasury of the United States, the property may be so used.

SEC. 4. EFFECT OF STATE LAW.

If a use is a nuisance as defined by the law of a State or is already prohibited under a local zoning ordinance, no compensation shall be made under this Act with respect to a limitation on that use.

SEC. 5. EXCEPTIONS.

(a) PREVENTION OF HAZARD TO HEALTH OR SAFETY OR DAMAGE TO SPECIFIC PROPERTY.—No compensation shall be made under this Act with respect to an agency action the primary purpose of which is to prevent an identifiable—

- (1) hazard to public health or safety; or
(2) damage to specific property other than the property whose use is limited.

(b) NAVIGATION SERVITUDE.—No compensation shall be made under this Act with respect to an agency action pursuant to the Federal navigation servitude, as defined by the courts of the United States, except to the extent such servitude is interpreted to apply to wetlands.

SEC. 6. PROCEDURE.

(a) REQUEST OF OWNER.—An owner seeking compensation under this Act shall make a written request for compensation to the agency whose agency action resulted in the limitation. No such request may be made later than 180 days after the owner receives actual notice of that agency action.

(b) NEGOTIATIONS.—The agency may bargain with that owner to establish the amount of the compensation. If the agency and the owner agree to such an amount, the agency shall promptly pay the owner the amount agreed upon.