

Thornton
Torres
Torrice
Towns
Traficant
Tucker
Velazquez

Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams

Wise
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—252

Allard
Archer
Arme
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Biley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen

Frisa
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Green
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney

Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeean
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Collins (GA)
Condit
Costello
Cox
Cramer
Crane
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—9

Bryant (TX)
Gonzalez
Graham

Hoyer
Jones
Moakley

Rangel
Reynolds
Roberts

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

After some further time,

37.6 RECORDED VOTE

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

In section 3(a), strike "10" and insert "20".
It was decided in the affirmative { Yeas 338
Nays 83

37.7 [Roll No. 195] AYES—338

Abercrombie
Ackerman
Allard
Andrews
Archer
Arme
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burton
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen

Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbine
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Girman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee

Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers

Myrick
Nethercutt
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Rahall
Ramstad
Reed
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose

Roth
Roukema
Royce
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Talent
Tanner
Tate

Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—83

Baker (CA)
Barton
Becerra
Beilenson
Bevill
Bonilla
Bonior
Borski
Cardin
Chenoweth
Clyburn
Collins (IL)
Collins (MI)
Combest
Conyers
Cooley
Coyne
Crapo
Cubin
Dellums
Dingell
Dixon
Ehlers
Fattah
Fields (TX)
Filner
Flake
Foglietta

Frank (MA)
Frelinghuysen
Furse
Gilchrest
Hall (TX)
Hastings (FL)
Herger
Hinchey
Hostettler
Hunter
Lewis (GA)
LoBiondo
Lofgren
Markey
McDermott
McKinney
Meehan
Meek
Mineta
Morella
Nadler
Neal
Neumann
Oberstar
Owens
Parker
Pastor
Payne (NJ)

Porter
Reynolds
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Schaefer
Serrano
Smith (TX)
Souder
Stark
Stockman
Studds
Thompson
Thornberry
Torrice
Towns
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Yates

NOT VOTING—13

Berman
Brown (CA)
Bryant (TX)
Clay
Dornan

Emerson
Gonzalez
Largent
Mfume
Moakley

Radanovich
Rangel
Stokes

So the amendment to the amendment in the nature of a substitute, as amended, was agreed to.

After some further time,

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

When Mr. SHUSTER, Chairman, reported that the Committee, having had under consideration said bill, had come to no resolution thereon.

37.8 ORDER OF BUSINESS—DEBATE ON H.R. 925

On motion of Mr. CANADY, by unanimous consent,

Ordered, That the time for consideration under the 5-minute rule on the bill (H.R. 925) to compensate owners of private property for the effect of certain regulatory restrictions, as pro-

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 Lowey 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 Heger Gibbons Pallone

NOES—299

- Allard Bartlett Brewster Andrews Barton Browder Archer Bass Brown (OH) Arney 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 Istook Radanovich Condit Jacobs Ramstad Cooley Johnson (CT) Regula Costello Johnson (SD) Riggs Cox Johnson, Sam Roberts Cramer 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 Diaz-Balart Klink Sanford Dickey Klug Saxton Dicks LaHood Scarborough Dooley Largent Schiff Doolittle Latham Seastrand Doyle LaTourrette Sensenbrenner Dreier Laughlin Shaw Duncan Dunn Leach Shays 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 Livingston Solomon Everrett LoBiondo Soloumon 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 Gilchrist 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 White Hansen Norwood Whitfield Harman Nussle Wicker Hartert Ortiz Wilson Orton Packard Wolf Oxley Young (AK) Packard Young (FL) Parker Paxon Zeliff Paxton Payne (VA) Zimmer Heger Peterson (FL) Hillery

NOT VOTING—8

- Brown (CA) Collins (IL) Moakley Bryant (TX) Dornan Rangell 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.