

Mineta	Roybal-Allard	Stokes
Mink	Royce	Torres
Nadler	Rush	Upton
Neal	Sanders	Velazquez
Neumann	Sanford	Visclosky
Owens	Scarborough	Waters
Pastor	Schroeder	Watt (NC)
Payne (NJ)	Schumer	Waxman
Petri	Sensenbrenner	Woolsey
Poshard	Serrano	Wyden
Reynolds	Shays	Wynn
Rohrabacher	Slaughter	Yates
Roth	Stark	Zimmer

## NOES—315

Abercrombie	Ensign	LaTourette
Allard	Evans	Laughlin
Archer	Everett	Lazio
Army	Ewing	Leach
Bachus	Farr	Levin
Baesler	Fawell	Lewis (CA)
Baker (CA)	Fazio	Lewis (KY)
Baker (LA)	Fields (TX)	Lightfoot
Baldacci	Filner	Lincoln
Balleger	Flanagan	Linder
Barcia	Foglietta	Lipinski
Barrett (NE)	Foley	Livingston
Bartlett	Forbes	Longley
Barton	Fowler	Luther
Bass	Fox	Manton
Bateman	Frank (MA)	Manzullo
Bentsen	Franks (CT)	Markey
Bereuter	Frelinghuysen	Mascara
Bevill	Frisa	Matsui
Bilbray	Frost	McCarthy
Bilirakis	Funderburk	McCollum
Bishop	Gallegly	McCrery
Bliley	Ganske	McDade
Blute	Gekas	McHale
Boehlert	Geren	McHugh
Boehner	Gibbons	McInnis
Bono	Gillmor	McIntosh
Borski	Gilman	McKeon
Boucher	Gonzalez	McNulty
Brewster	Goodlatte	Menendez
Browder	Goodling	Metcalfe
Brown (FL)	Gordon	Meyers
Brownback	Goss	Mica
Bryant (TN)	Graham	Miller (FL)
Bunn	Greenwood	Minge
Bunning	Gunderson	Moakley
Burr	Gutknecht	Molinari
Burton	Hall (OH)	Mollohan
Buyer	Hall (TX)	Montgomery
Callahan	Hamilton	Moorhead
Calvert	Hancock	Moran
Camp	Hansen	Morella
Canady	Hastert	Murtha
Cardin	Hastings (WA)	Myers
Castle	Hayes	Myrick
Chabot	Hayworth	Nethercutt
Chambliss	Hefley	Ney
Chenoweth	Heineman	Norwood
Christensen	Hergert	Nussle
Chrysler	Hilleary	Oberstar
Clement	Hilliard	Obey
Clinger	Hobson	Olver
Coburn	Hoekstra	Ortiz
Collins (GA)	Hoke	Orton
Collins (MI)	Holden	Oxley
Combest	Horn	Packard
Condit	Hostettler	Pallone
Cooley	Houghton	Parker
Cox	Hoyer	Payne (VA)
Cramer	Hunter	Peterson (MN)
Crane	Hutchinson	Pickett
Crapo	Hyde	Pombo
Cremeans	Inglis	Pomeroy
Cunningham	Istook	Portman
Davis	Jackson-Lee	Pryce
de la Garza	Jefferson	Quillen
Deal	Johnson (CT)	Quinn
DeLay	Johnson, E.B.	Radanovich
Diaz-Balart	Johnson, Sam	Rahall
Dickey	Johnston	Ramstad
Dicks	Jones	Rangel
Dingell	Kasich	Reed
Dooley	Kelly	Regula
Doolittle	Kennedy (MA)	Riggs
Dornan	Kim	Rivers
Doyle	King	Roberts
Dreier	Kingston	Roemer
Duncan	Klink	Rogers
Dunn	Knollenberg	Ros-Lehtinen
Edwards	Kolbe	Rose
Ehrlich	LaFalce	Roukema
Emerson	LaHood	Sabo
Engel	Largent	Salmon
English	Latham	Sawyer

Saxton	Stockman	Tucker
Schaefer	Studds	Vento
Schiff	Stump	Volkmeyer
Scott	Stupak	Vucanovich
Skeen	Talent	Walker
Seastrand	Tanner	Walsh
Shadegg	Tate	Wamp
Shuster	Tauzin	Ward
Sisisky	Taylor (MS)	Weldon (FL)
Skaggs	Taylor (NC)	Weldon (PA)
Skelton	Tejeda	Weller
Smith (MI)	Thomas	White
Smith (NJ)	Thompson	Whitfield
Smith (TX)	Thornberry	Wicker
Smith (WA)	Thornton	Williams
Solomon	Thurman	Wilson
Souder	Tiahrt	Wise
Spence	Torkildsen	Wolf
Spratt	Torricelli	Young (AK)
Stearns	Towns	Young (FL)
Stenholm	Traficant	Zeliff

## NOT VOTING—23

Barr	Green	Pelosi
Bonilla	Hefner	Peterson (FL)
Chapman	Kanjorski	Porter
Clyburn	Kennedy (RI)	Richardson
Cubin	Kleccka	Shaw
Fields (LA)	Lofgren	Waldholtz
Gephardt	Lucas	Watts (OK)
Gilchrist	Paxon	

## □ 1419

The Clerk announced the following pairs:

On this vote:

Mr. GENE GREEN of Texas for, with Mr. WATTS against.

Mr. FIELDS of Louisiana for, with Mrs. WALDHOLTZ against.

Messrs. HOLDEN FAWELL, and HORN changed their vote from "aye" to "no."

Mrs. LOWEY and Messrs. NADLER, ROHRABACHER, STOKES, and NEAL of Massachusetts changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. FIELDS of Louisiana. Mr. Chairman, I was attending a drug-free schools and communities event at the White House and was not able to make rollcall vote 356. Had I been present I would have voted "aye."

## PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Chairman, I also missed rollcall vote 356. I was attending a drug free schools event at the White House. If I had been present, I would have voted "yes."

The CHAIRMAN. There being no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 535) to direct the Secretary of the Interior to convey the Corning National Fish Hatchery to the State of Arkansas, pursuant to House Resolution 144, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA

The SPEAKER pro tempore. Pursuant to House Resolution 145 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 584.

## □ 1421

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from Massachusetts [Mr. STUDDS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong support of this noncontroversial legislation.

H.R. 584 was introduced by Mr. LEACH. It would convey the Fairport National Fish Hatchery from the U.S. Fish and Wildlife Service to the State of Iowa. It is my understanding that this facility was built in the 1930's, and as you can imagine, it is in need of improvement. Due to Federal budget constraints, the State of Iowa agreed to assume operational control of the facility in 1973. The State of Iowa has managed, maintained, and staffed the Fairport Fish Hatchery for the past 22 years, and has made some cosmetic changes. If the State of Iowa had not stepped in when the Federal Government found its management too costly, this hatchery would have closed and its fishery resources would have ceased to exist.

Now the State of Iowa would like the authority to modernize the facility, which would be accomplished by this legislation. H.R. 584 will formalize a permanent transfer of title between the Federal and State Government. The State of Iowa has committed over \$2 million to the operation of this facility over the past 22 years. Further, it has spent \$220,000 on necessary improvements to the hatchery.

This is a noncontroversial bill and will accomplish its goal without

amendment. I urge you to support H.R. 584 without amendment.

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

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, once again the gentleman from New Jersey has said it all. The issues are virtually identical in this bill as they were in the past and as they will be in the next one, and therefore in consideration of sheer humanity they need not be repeated.

Mr. Chairman, I rise in support of H.R. 584, a bill to transfer title of the Fairport National Fish Hatchery to the State of Iowa.

The Fairport hatchery has been operated by the State of Iowa under a memorandum of understanding with the Fish and Wildlife Service since 1972. It produces bass, bluegill, and channel catfish for stocking programs throughout the State.

After 20 years of operation, the State is now interested in making capital improvements to the facility but needs title to the property before doing so. This bill would give title to the State, while protecting the interests of the Federal Government by requiring that title revert to the Fish and Wildlife Service in the event that Iowa no longer wants to operate the facility as a fish hatchery.

The bill is supported by both the State and the administration, and I urge Members to support it today.

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

Mr. SAXTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, 3 weeks ago in thunderous debate the House considered the "mega" implications of the budget resolution. Now we have before us perhaps the smallest bill of the year, H.R. 584, which would have the effect of conveying a small federally owned, State-operated, fish hatchery to the State of Iowa.

This hatchery, operated by the State of Iowa since 1973, is crucial to the fishery resources program in my State, and the legislation before us formalizes a permanent transfer of title between the Federal and State government.

The hatchery is located in Fairport, an unincorporated town of 50 people situated on a beautiful hillside embankment overlooking the Mississippi River approximately 8 miles east of the community of Muscatine. The facility was originally donated at the turn of the century to the Federal Government by an association of button manufacturers who, prior to the advent of plastic alternatives, utilized the shells of freshwater mussels from the Mississippi River as raw material for the making of buttons.

With the subsequent acquisition of surrounding land, at a total cost of \$21,771.22, Fairport was established by Congress in 1909 as a biological research station, and in 1929 became a fish hatchery operated and maintained

by the Bureau of Sport Fisheries and Wildlife.

In 1973, as a result of Federal budgetary constraints, operation and maintenance of the facility was assumed by the Iowa Department of Natural Resources. The Fairport Fish Hatchery has served as an important part of the State's fish hatchery system since that time.

The State of Iowa agreed to assume responsibility for the facility partly to assist sports fisherman but mainly to help advance a growing/midwestern aquaculture industry, particularly for the stocking of farm ponds. As an augment to farming the land and feeding livestock, increasing numbers of farmers are finding they can diversify into aquaculture.

The Fairport facility is one of three warmwater fish hatcheries within Iowa's hatcheries program. The facility fills the need for several fish including bass, bluegills, white amur, and channel catfish, which are utilized throughout the State as a part of the Iowa stocking program. Simply put, fish that are not hatched cannot be caught or bred.

The State Iowa has committed substantial resources to providing for its fisheries needs through the operation and maintenance of the Fairport facility. Unlike other States, it has done so without seeking Federal funds for 22 years. The Iowa Department of Natural Resources estimates that it has expended \$2,100,000 for the operation of the hatchery under the memorandum of understanding with the Fish and Wildlife Service since 1973. This sum is substantially greater than the market value of the property which, according to a 1983 appraisal, was \$717,000. It is possible that the property has slightly increased in value since then, but before use by others, numerous ponds would have to be filled and the extensive well and underground pipe system removed at considerable cost.

In addition to its current operating budget of \$175,000, the State of Iowa has to date spent \$220,000 on necessary improvements to the hatchery. If title to the property is transferred, the State intends to make an additional \$350,000 investment in the facility, including a new holding house and dike improvements. But the State of Iowa cannot afford both to buy the property and then improve and operate the facility. Without this transfer the facility is likely to close and the Federal Government will have to either make necessary improvements and operate it itself or take on the costly task of closing it.

Iowa's interest in obtaining title to the hatchery is based on the concern that the State be able to make these needed improvements to the facility without risk of loss. If the State does not have title to the property, the Federal Government could divest itself of the hatchery along with any investment the State might make in it. The State would be left vulnerable to property confiscation precipitated either by the executive branch in Washington or capricious Federal legislators.

Because investment without ownership would be imprudent, Iowa has secured the U.S. Fish and Wildlife Service's agreement to transfer title to the property to the State. To obviate concerns that the State of Iowa might accept property conveyance and then turn around and put it on the market or use it for another purpose, the agreement between the Department of Interior and the State provides that if the property ceases its fish related functions, it will revert back to the Federal Government.

Mr. Speaker, conveyances of national fish hatcheries to States are normally noncontroversial. Indeed, since 1989, four almost identical conveyances have taken place—in the States of South Carolina, Georgia, Kentucky, and Ohio—all with the unanimous approval of this House. And, in an analogous transaction for a different purpose the 103d Congress transferred land to Imperial Beach, CA.

Federal and State officials involved in the Fairport conveyance unreservedly support this transfer. Mr. J. Edward Brown, State Water Coordinator for the Iowa Department of Natural Resources, is particularly to be commended for his long and hard work in this effort to secure the future of the Fairport Fish Hatchery. I also wish to thank Mr. SAXTON of New Jersey, the chairman of the Subcommittee on Fisheries, Wildlife, and Oceans, and Mr. YOUNG of Alaska, the distinguished chairman of the Committee on Resources and their staffs for providing the residents of my State and my district with a great service by moving this legislation quickly to the floor.

While by precedent such conveyances to States are normally routine, I was surprised to learn that the distinguished gentleman from California [Mr. MILLER] objects and in the committee report as well as in a "Dear Colleague" letter suggests that it is the taxpayers who, along with the fish, are being "soaked." Actually, it is citizens who are being served by this approach and politician who are being "fishy" in their arguments in opposition.

This is, after all, a country with one Government of, by, and for the people. It is true there are different levels of governmental organization—local, State, and Federal—but the obligation is the same: to serve the people. Transferring property from one level of government to another has implications that must be assessed on a careful basis—on this, Mr. MILLER is correct—but, when the purpose is to maintain a public service which otherwise would be dropped; when the cost is de minimus; when there is no intent to take advantage of anyone or any institution; when the public body the property is transferred to has a historical commitment to and investment in the property and public program in question; when all relevant professional bodies—private and governmental—are in concurrence, there is no credible reason not to proceed.

In this regard, let me tell a tale of two States and two fish hatcheries to illustrate why I believe Mr. MILLER'S

protestations represent "upstream" logic with a fishy "downwind" odor.

Iowa, unlike California, has no national parks. Iowa, unlike California, has no Bureau of Land Management projects. And, Mr. Chairman, Iowa, unlike California, has no federally subsidized fish hatchery.

In Iowa, private citizens almost a century ago gave a piece of property to the Federal Government for the purpose of advancing Mississippi River aquaculture. For the last generation the State of Iowa has exclusively borne the cost of such activities and maintained and upgraded the property. On the other hand, in the State of California there exists a fish hatchery which the Federal Government bought and which the Federal Government on a yearly basis subsidizes. Indeed, this year the Federal Government has committed \$1,902,000 to the Coleman National Fish Hatchery in Anderson, CA, a sum which is \$887,000 or 87 percent more than that obligated just 4 years ago. By comparison, the value of the Fairport property is about one-third the annual Federal subsidy to California's fish hatchery and less than the increase in that subsidy authorized in the last 4 years.

A fair question might therefore be asked: Which fish are more important—California's federally subsidized steelhead trout or the Mississippi River catfish which do not receive a Federal subsidy?

Mr. Chairman, I do not rise today, nor have I ever risen, to object to the California Fish and Wildlife Protection Act, which the gentleman from California sponsored; nor do I rise to object to nor did I vote against passage of the California Desert Protection Act, which Mr. MILLER assured us was vital to the needs of his State; nor, Mr. Speaker, do I rise to object to nor did I vote against addition of land to the John Muir National Historic Site in Martinez, CA.

But I do think it fair to point out some irony in the fact that the gentleman from California has proposed new environmental projects costing multibillions in the gentleman's home State while he now objects to the transfer of an existing small fish hatchery which will cost the Federal Government nothing and which the Federal Government paid next to nothing for to begin with. Methinks it is hollow conservatism for the gentleman to protest so much. Why, pray tell, is it fair for Iowans to pay for California fish propagation when Californians object to Iowans taking responsibility for their own aquaculture?

The issue, let me stress, is not traditional congressional logrolling. I ask no money for anything from anyone. I ask only that this Congress allow a transfer of property and responsibility to take place between one level of government and another. This transfer, as small as it is, represents a symbolic step away from all-knowing Washington hegemony toward a new federalism in which States rights are matched by

State responsibility. Beyond this, it is particularly poignant that the transfer contemplated symbolizes a State taking responsibility for a governmental service after the Federal Government has abdicated its traditional role. In fact, under State management, the Fairport Fish Hatchery provides regular advice and information to the U.S. Army Corps of Engineers on the Mississippi River ecosystem. The State in other words, willingly provides a service to the Federal Government, without charge or complaint. It is a commonsense thing to do.

The gentleman might wonder why I object so strenuously to his legislative sophistry. Let me say as carefully as I can: I don't like legislative games being played with people's livelihoods and a town's well-being. At a personal level I spoke twice to the gentleman this year asking for comity. For the last generation citizens of my State have provided tax resources to advance environmental projects all over the country. All Iowans ask today is the opportunity to invest in our future at our expense. Aquaculture and the study of the Mississippi River ecosystem are important to our region. It is simply not fair to ask Iowa taxpayers to foot the bill for environmental projects in virtually every other State but their own and then pay Washington for a facility the State of Iowa has invested more in than the Federal Government.

Let me conclude by stressing that H.R. 584 is supported by all executive branch parties involved, including the Republican administration in Des Moines and the Democratic administration in Washington. The approach it contains is consistent with precedent, in conformance with administration policy, and represents mutual fairness to all parties. No obligations are being placed on the Federal taxpayer. I doubt if there is a stronger equity case anywhere in the federal system for the transfer of property from one level of government to another.

To turn down an agreement in which a State accepts responsibility for services the Federal Government abandons in some parts of the country but embraces elsewhere is not only unfair, it risks the transfer of an environmental jewel to industrial development.

If Mr. MILLER's irascible approach is adopted, a wonderful small town in my congressional district will be faced with the elimination of its second largest employer—negatively impacting the quality of life of this beautiful river community and severely retarding the development of aquaculture in the State of Iowa.

To paraphrase Daniel Webster in a reference he made in a court case involving a small private college: "Fairport is, Sir, but a small place but there are those who love it."

□ 1430

Mr. STUDDS. Mr. Chairman, I yield myself 1 minute.

I just want to say to the distinguished gentleman from Iowa, I now

feel extremely guilty that I did not speak at greater length on this matter. I do not recall a more scholarly presentation replete with more references to literature, to history, to Latin invective, and to puns, and it was the part about the buttons that really got to me, I must say.

Also, let the record reflect for the duration of this debate I am not sitting between the gentleman from Iowa and the gentleman from California.

Mr. Chairman, I yield 5 minutes to the aforementioned distinguished gentleman from California [Mr. MILLER].

(Mr. MILLER of California asked and was given permission to revise and extend his remarks.)

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members of the House, the amendment is not large, but the principle is important, and that is that we are now living under a zero-sum situation within the Federal Government in an effort to balance the Federal deficit, and that is what makes some of the things we have done in the ordinary course of business in this Congress in the past not possible in the ordinary course of business today because we have that mandate to meet.

The fact is, yes, we have transferred fish hatcheries in the past and we did not charge the States. That is before we were living under these rules of today.

The gentleman from Iowa cites a number of transfers between agencies of the Federal Government which he suggests is analogous to this, and the fact of the matter is it is not. The California desert was created out of Federal lands currently owned. The fact is the moneys that go into the hatchery in California are there because Federal actions have devastated the fisheries in that general area in the northern part of the State.

And the fact is this hatchery, once it is transferred, will continue to receive Federal funds for its operation, as do many of the other hatcheries. So this is not a question of Iowa only. There will be Federal funds, \$2 million a year, to go to the State for the operation of this and other hatcheries.

The fact is the Federal Government operated this hatchery for 44 years, and I do not see anybody complain about that. Yes, Iowa operated it for 22 years. The point is this: We have 60 acres on a prime piece of land next to the Mississippi River that we could call this surplus. We could put it out and let it go. We are doing the State of Iowa a favor because we are continuing the hatchery program by making this available to them so that they can continue to have a program which, like the gentlewoman from Arkansas said, is a vital interest to that State for sport fishing revenues, recreational revenues, for all the revenues the State receives from those efforts, and apparently also for the people who live in the small town.

The point is this, though, in the transfer of that we ought to receive for

the taxpayers of this country fair market value. The suggestion is it is only \$717,000. The fact is, again, we do not know that. It has been suggested it might be as much as \$2 million. But \$717,000 is half again as much as all of the taxes that an average family will pay to the Federal Government after working a lifetime.

So we hear very often, and I think quite correctly, that from time to time we have got to check what we have been doing before. This gentleman has, in this Committee of Natural Resources for many years, forced the receipt of fair market value in land exchanges and land trades and land transfers to levels of local governments, and I have been doing that for 20 years. And in most cases that is what the Federal law requires.

In this particular case, we simply are desiring to make a gift to the people of Arkansas, the people of Iowa, the people of Minnesota to a program that we hear is vitally important to them, very, very helpful to their economies, and simply saying the taxpayer will walk away from it.

All I am suggesting is we ought to get an appraisal. We ought to find out fair market value. This is not an attempt to gouge. We will give them credit for the improvements they have put into the facility, and everybody will be happy in their work as we transfer this facility.

Again, I would say that there is tremendous local benefit to the transfer of this project, the facility, to the State, ongoing benefit in terms of their economy, in terms of, I believe, this hatchery is even used in the private sector in aquaculture and other commercial ventures, and all I am saying is when you have got that, you know, we constantly go before town hall meetings, people, what do they say to you all the time? "Why don't you run the government like a business?" And the point is we ought to run the government like a business. And in this case, when you transfer an asset, what tenant would be able to go and say, "I would love to fix up this building so I can do a better job in this building; I am not going to do it if I don't own it, but you have to give it to me for free." I have never met that landlord, except the U.S. Government, that would say, "Oh, okay, take it for free, and then we will be on our merry way."

I think that is the point, is that that we have got to make this effort, as I said before; there will be a rationale made for each and every one of these projects coming out of this committee. Some of them are far grander than this in terms of transferring the assets that the people of this country have invested into the projects or the ideas or the purposes of a single region.

I think we ought to make some effort to provide for the recapture of that investment. We are not talking about recapturing the money that was spent for 44 years. We are not talking about recapturing the Federal money that will

be spent after this. We are not talking about capturing the Federal money being spent today in this or any other hatchery. We are talking about the fair market value for the real estate transaction of this facility to the State of Iowa.

I think it is a very, very small thing to ask in behalf of the taxpayers of this country.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 584, a noncontroversial bill to transfer the Fairport National Fish Hatchery to the State of Iowa.

This facility is an important component of Iowa's fish hatchery system. The State has operated this hatchery with their own funds since 1973, and it is one of three warm-water facilities within the State's program. The Fairport facility fills the need for several fish, including large-mouth bass, blue gills, and channel catfish. These fish are utilized throughout the State as part of their fisheries resources program.

While the Iowa Department of Natural Resources wants to modernize the upgrade this facility, they cannot justify the expense of these improvements as long as the Federal Government holds title to this property.

H.R. 584 was introduced by our distinguished colleague from Iowa, JIM LEACH it is strongly supported by the U.S. Fish and Wildlife Service, which indicated by letter that the Service has "no present, or foreseeable need for a hatchery at this site and recognizes the importance of this facility to the fishery resources program of the State of Iowa."

I urge my colleagues to support this legislation and I compliment the gentleman from Iowa for his outstanding leadership in this matter.

The CHAIRMAN. Is there further debate on the bill?

Mr. SAXTON. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. STUDDS. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to have the rule, the bill is considered as having been read for amendment under the 5-minute rule.

The text of H.R. 584 is as follows:

H.R. 584

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. CONVEYANCE OF THE FAIRPORT NATIONAL FISH HATCHERY TO THE STATE OF IOWA.**

(a) CONVEYANCE.—Within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa without reimbursement all right, title, and interest of the United States in and to the fish hatchery described in subsection (b) for use by the State for purposes of fishery resources management.

(b) HATCHERY DESCRIBED.—The fish hatchery described in subsection (a) is the Fairport National Fish Hatchery located in Muscatine County, Iowa, adjacent to State Highway 22 west of Davenport, Iowa, including all real property, improvements to real property, and personal property.

(c) USE AND REVERSIONARY INTEREST.—The property conveyed to the State of Iowa pursuant to this section shall be used by the

State for purposes of fishery resources management, and if it is used for any other purpose all right, title, and interest in and to all property conveyed pursuant to this section shall revert to the United States.

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California: In section 1(a) (page 1, beginning at line 5), strike "Within" and all that follows through "without reimbursement", and insert "Upon the provision of consideration by the State of Iowa in accordance with subsection (c) within 180 days after the date of the enactment of this Act, the Secretary of the Interior shall convey to the State of Iowa".

Amend section 1(c) (page 2, beginning at line 12) to read as follows:

(c) CONSIDERATION.—

(1) CONSIDERATION REQUIRED.—The Secretary of the Interior shall require that, as consideration for any property conveyed by the Secretary under subsection (a), the State of Iowa shall—

(A) pay to the United States an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); or

(B) convey to the United States real property that the Secretary determines—

(i) has a fair market value not less than an amount equal to the fair market value of the property conveyed by the Secretary under subsection (a), reduced in accordance with paragraph (3); and

(ii) is useful for promoting fish restoration and management.

(2) APPRAISAL REQUIRED.—The Secretary shall determine fair market value of property for purposes of this subsection after considering an appraisal of the property prepared for the Secretary after the date of the enactment of this Act.

(3) REDUCTION OF FAIR MARKET VALUE OF PROPERTY CONVEYED.—For purposes of subparagraphs (A) and (B)(i) of paragraph (1), the fair market value of property conveyed under subsection (a) shall be reduced by the value of any capital improvements to the property that were made by the State of Iowa before the date of the enactment of this Act.

(4) DEPOSIT OF PAYMENT.—

(A) DEPOSIT.—Amounts received by the United States as payment under this subsection shall be deposited into the Sport Fish Restoration Account of the Aquatic Resources Trust Fund established by section 9504 of the Internal Revenue Code of 1986 (26 U.S.C. 9504), commonly referred to as the Wallop-Breaux Fund.

(B) LIMITATION ON USE OF DEPOSITS FOR PURPOSES NOT RELATED TO FISH RESTORATION AND MANAGEMENT.—Section 9504(b)(2)(B) of the Internal Revenue Code of 1986 (26 U.S.C. 9504(b)(2)(B)) does not apply to amounts deposited under this paragraph.

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1445

Mr. MILLER of California. Mr. Chairman and members of the committee, I rise in support of the amendment. This amendment has been previously explained in the debate, would provide for an appraisal of the fair market value of the 60 acres and facilities that the Federal Government would transfer to the State of Iowa for the continued use of a fish hatchery at Fairport, IA, a national hatchery. The purpose of this amendment, as I stated previously and with the previous amendment, is to try and assure that we have some ability to recapture the Federal investment in this facility as we transfer it to the State of Iowa. As I said earlier, we operated this facility for 44 years. Previously the State took it over at one point determining it was in such interest to the State that they would then run the annual operating expenses of this to continue to provide for the feedstocks that are developed at this hatchery, and now they seek to gain clear title to the facility. I have no problem with the State gaining clear title to that facility, the State taking this over and the Federal Government getting out of this business. It all sort of makes sense. My problem is I think, when we exit there, when we turn over this 60 acres of real estate, that we owe it to the public to get an appraisal and to get fair market value for this facility, and the amendment also provides for the offsets for the moneys that the State has put into improving that facility during their tenancy in that facility.

Mr. Chairman, I would ask for a favorable reporting of this amendment.

The CHAIRMAN. Is there any further debate on the amendment?

Mr. SAXTON. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from California [Mr. MILLER].

Mr. Chairman, this proposal was debated at length during our subcommittee and full committee deliberations, and it was also deliberated at some length earlier today on the amendment when the gentleman offered an amendment on the Arkansas bill. While on the surface the amendment may appear to have certain amount of appeal, there are certain facts that are indisputable. I think I will just reference them very quickly.

First, Iowa has operated this hatchery with State funds for decades and have done so effectively for more than 23 years—22 years. Furthermore, Iowa has spent millions of dollars to operate the hatchery and to improve the infrastructure surrounding it.

Second, this bill contains language requiring the property to revert to the Federal Government in as good or if not better condition at the time that any transfer may be contemplated.

Third, this is not the first time the Federal fish hatchery has been transferred to a State at no cost. It has been done several times, as recently as the last Congress. This bill simply trans-

fers an asset from one level of government to another to continue the partnership that is so important relative to this hatchery.

Fourth, recent real estate appraisals have not been conducted on this facility, and it would cost the Federal Government thousands of dollars to make such an assessment and would be a waste of the taxpayers' money.

Finally, this bill is an important partnership with the State, and we will benefit, and it will benefit, thousands of Americans who enjoy recreational opportunities that abound from it.

So, I believe the choice is clear. By supporting the Miller amendment precious funds would be squandered on real estate assessments and appraisals. The hatchery would be in jeopardy of closing if the State of Iowa decided not to purchase it, and these important fish stocking programs would cease to exist, and so I urge a no vote on this amendment and support the committee's position.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first there are two issues under consideration with this amendment. One relates to the concept of an appraisal, and I would say the gentleman from California has a point that the last appraisal was done 12 years ago. I would affirm to the gentleman that most Iowa small towns have not seen property appreciate in levels above the inflation rate, and generally it is less than that.

I would acknowledge that in terms of view, Fairport enjoys one of the most spectacular views in the world, every bit comparable to Big Sur; in fact, probably exceeding. On the other hand, great land and seascape portraits in Iowa are valued far differently than they are in other parts of the country, and I cannot say that on a dollar basis that view value would be reflected. But even if the property value were 50 percent higher than the 1983 appraisal, 100 percent higher, 200 or 300 percent higher, the point still holds that that would not be a credible reason for not making the transfer, and so I would suggest that the concern for an appraisal, while being of 12 years of age, does not constitute a compelling point.

The second issue is the issue of what is equity between the parties. Should the State of Iowa pay the Federal Government? And I would say that the gentleman's points would be not only more plausible, but very compelling, if this were a transfer of land from the U.S. Government to a private sector source. This is not. This is a transfer between two levels of government. The public interest is the same. The constancy of the public interest has to be considered a factor of some significance, not precluding other factors, but a factor of serious significance.

In this regard it also should be stressed that there is a reversion clause in this agreement. If the State of Iowa were to sell the property for another use or use it itself for another

use, the property rights would revert back to the U.S. Government.

I would also like to stress, and I tried to lay it out in my opening statement to this body, that because the gentleman from California [Mr. MILLER] has a point in the abstract and a point that also could well be valid in concrete circumstances, it is important to lay down criteria where transfers might take place without proceeds involved. I would suggest five relevant criteria:

First, when the purpose is to maintain a public service which would otherwise be dropped; second, when the cost is de minimis; third, when there is no intent to take advantage of anyone or any institution; fourth, when the public body which the property is transferred to has an historical commitment to and investment in the property or program in question; and fifth, when all relevant professional bodies, private and governmental, are in concurrence.

With these five criteria met, I would suggest that there is no credible reason whatsoever not to proceed with this transfer, leaving open the philosophical question that the gentleman from California [Mr. MILLER] raises that there might well be a philosophical circumstance in which these criteria are not met in other kinds of situations. But I would stress to the gentleman, to the committee and to this body that to act on a line of reasoning because of something that might exist in another circumstance that does not relate to this precise circumstance where a series of very careful weighings have taken place and where, by the way, and I would stress again, this administration and its professionals, as well as the Iowa administration and its professionals, are in concurrence, would be a mistake.

I leave myself open to supporting the kind of amendment that the gentleman from California [Mr. MILLER] or any other member of this body may raise in other contexts at other times, but in my judgment to apply it to the Fairport fish facility, a facility with two full-time employees and one part-time employee, a facility that is serving the interests of the State and the Midwest, would be a mistake of not large, but symbolically quite sad proportions.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words to remind Members the question before us is for all intents and purposes identical to the one that was before us in the preceding bill, although we have spent an unaccountably longer period of time discussing it, and I would urge Members, for reasons particularly stated by the gentleman from New Jersey and the gentleman from Iowa, to vote as they did before, in opposition to the amendment.

Mr. BURTON of Indiana. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to say to my good friend from California that God loves a repentant sinner, and I remember in the Bible when Paul is on the road to Damascus, then called Saul, and Christ appeared to him, and he had a miraculous conversion and became, instead of a zealot against Christ, he became a supporter and became one of the greatest apostles of all, and the gentleman from California has been, at least to my recollection, one of the bigger spenders in the body, and apparently he has some new found fiscal conservatism, and I just like to say, I really appreciate that conversion, and I hope that conversion continues when we get to the appropriations bills later in the year, because later in the year we'll have the opportunity to make some major cuts in spending, and since this new found conservatism has risen in this gentleman's psyche, I hope it continues, and I would congratulate him on becoming a fiscal conservative.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I appreciate the gentleman's remarks, but they are somewhat off target. The fact of the matter is that in these issues before the committee, which I have now sat on for 20 years, my position has always been that the Federal Treasury and the Federal taxpayer, whether it is in my district in California, in the Western United States or anywhere else, is entitled to fair market value for the resources. Most of these pieces of legislation that have made it to the floor the gentleman from the well has voted against for, I am sure, other reasons than those reasons, but the fact is we have voted, whether it is in water subsidies, mining subsidies, timber subsidies, and tried to regain for the people some control over those, that has been my historical record, and it has happened no matter without question where the project existed or elsewhere, and so the gentleman's arrow is somewhat misplaced at this point, but I appreciate his support for the concept that I am expressing here and expect his vote on this amendment because that road to Damascus was started with one small step, and the gentleman can take it here today. I am sure the gentleman from Iowa [Mr. LEACH] will have some other literary reference at some point—

Mr. BURTON of Indiana. Reclaiming my time, let me just say that I am happy to see that the gentleman is moving in the right direction, and I hope, when we get to the appropriations bills later this year, that he will continue to be fiscally conservative.

Mr. MINGE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am concerned that we try to maintain a certain level of consistency, and I would point out to the gentleman from California that in November of 1993 he did vote for legis-

lation that included the nonreimbursed advance of the hatchery in Senecaville, OH, and I am curious that now he has seen that this is no longer a good policy, he would like to depart from that.

Mr. COLEMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I heard somebody a minute ago from the other side of the aisle mention the National Taxpayers Union, and I think it is appropriate to point out the lack of credibility that that organization has with most Members of this House and certainly with most Members of the other body. Some may wonder why that is. Let me remind Members that when the Senate was controlled by the Republican Party, and the House was controlled by the Democratic Party, the National Taxpayers Union used double standards in order to rank and rate Members' votes about whether they were conservative enough or liberal enough. Whatever it was, they were going to make the report. So, when you pass an appropriations on this side of the House and voted for it, it was a bad vote for the National Taxpayers Union. That same bill passing the Senate, however, was not counted as a bad vote against a Senator.

So, I think it is appropriate, Mr. Chairman, that any time somebody gets up and touts that particular organization, that those of us who understand that they use a double standard ought to stand up and say so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MILLER].

The amendment was rejected.

□ 1500

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. CAMP, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 584) to direct the Secretary of the Interior to convey a fish hatchery to the State of Iowa, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Sara Emery, one of his secretaries.

#### NEW LONDON NATIONAL FISH HATCHERY CONVEYANCE ACT

The SPEAKER pro tempore. Pursuant to House Resolution 146 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 614.

□ 1502

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 614) to direct the Secretary of the Interior to convey to the State of Minnesota the New London National Fish Hatchery production facility, with Mr. CAMP in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] will be recognized for 30 minutes, and the gentleman from Massachusetts [Mr. STUDDS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I suspect this debate will be somewhat shorter than the last one. I cannot think of anything that can be said that has not already been said, including references to outside organizations and other such debate. But this bill, which is brought to us by the gentleman from Minnesota [Mr. MINGE] with reference to the New London National Fish Hatchery in Minnesota, is substantively the same as the previous two bills. It is of the same level of importance as the previous two bills. I would hope that, once again, this bill would proceed to be passed without amendment.

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

Mr. STUDDS. Mr. Chairman, I yield myself such time as I may consume.

(Mr. STUDDS asked and was given permission to revise and extend his remarks.)

Mr. STUDDS. Mr. Chairman, ditto. I really join the gentleman from New Jersey in being utterly unable to conjure anything that has not been said at least three times before.

I take that back, I can think of one thing. I understand the desire of the new majority to tote up on the scoreboard the number of open rules that they have successfully adopted, but I would enter just one personal plea to go back to the old system of suspensions.

The gentleman from New Jersey and I and the gentleman from Alaska and I and others in the old days would have been finished these three bills approximately 1½ hours ago. We could be well on our way toward dinner. There are matters that require the time of the House, but with all due respect, these three bills, which are very good and should be passed, do not require that much time. We should proceed.