

York City. He is a graduate of the New York Institute of Technology and is presently pursuing a Masters in Business Administration in International Business at the same school.

Leslie Nolan is the oldest child of Mary and Nicholas Nolan, Sr. of Upper Marlboro, Maryland. Until recently she resided in Bowie, Maryland. Leslie is employed by NASA's Goddard Institute for Space Studies as Assistant Chief for Outreach in New York City. She has 2 sisters & 1 brother, as well as 3 nieces and 1 nephew. Leslie is a graduate of the University of Maryland. Her paternal grandparents, John and Mary Nolan of Venice, Florida, recently celebrated their 60th wedding anniversary. Her maternal grandparents, Jules & Iola Jorgenson, reside in Fremont, Nebraska.

TRIBUTE TO GOLDA GILCREASE
HENGST

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. RADANOVICH. Mr. Speaker, I rise today to pay tribute to Golda Gilcrease Hengst on the occasion of her 100th birthday. The event will be celebrated on October 26, 1997.

Ms. Hengst was born on October 28, 1897 in Lemoore, CA. She had a romantic childhood playing in the orchards and vineyards of the rich California countryside before attending Lemoore Union High School. After studying at the University of California at Berkeley, she returned home and fell in love with William E. Hengst, a very successful car dealer. In those days, Mr. Hengst served double duty as a driving instructor, as most buyers of new automobiles had never even driven before.

William's skills were in great demand during World War I, so he answered our Nation's call by serving as an airplane mechanic in France. After the War, William and Golda were reunited and moved to Exeter, CA. Exeter brought the Hengst's more good fortune as they tried their hand at the plum farming business. The Hengst's plums soon became known for being of such high quality that they decided to patent two of their varieties. Today, their Golden Nectar and October Gem varieties remain industry leaders in taste, size, and pulp.

Along with ranching, Golda performed book-keeping, served on the local school board and was a member of the Exeter Women's Club. She has been blessed with 5 daughters, 10 grandchildren, 20 great grandchildren and 12 great-great grandchildren. Currently, Golda remains fairly active and enjoys spending time with all members of her family.

Mr. Speaker, it is with great honor that I pay tribute to the 100th birthday of Golda Hengst. Ms. Hengst's entrepreneurship serves as a model for all Americans. I ask my colleagues to join me in wishing Golda Hengst all the best.

PRIVATE PROPERTY RIGHTS
IMPLEMENTATION ACT OF 1997

SPEECH OF

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, October 22, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the bill, (H.R. 1534) to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the U.S. Constitution, have been deprived by final actions of Federal agencies, or other Government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when Government action is sufficiently final to ripen certain Federal claims arising under the Constitution:

Ms. HARMAN. Mr. Chairman, earlier this week, I voted in support of H.R. 1534, the Private Property Rights Implementation Act.

As with most measure this body considers, the bill is a first broad stroke at a very important problem—helping property owners resolve as quickly as possible issues related to land use. The bill is intended to afford property owners access to Federal courts when constitutionally protected rights have been taken or affected by government actions.

To be sure, the bill needs some tailoring of its provisions and, as it moves forward, I believe that in working with landowners, environmentalists, and local officials such tailoring will occur. But to vote down the bill is a mistake. It is a mistake. It is a mistake because reforms need to be made in this area of our law and we need to begin the process by which these reforms can be made. H.R. 1534 is that beginning.

I very much appreciate the concerns raised by local elected officials. Dee Hardison, the mayor of Torrance, the largest city in my district, outlined in a letter to me the effect city officials believe H.R. 1534 might have. But let me point out that local governments will have no new limits imposed on their ability to zone or regulate land use. Local agencies will still have at least two and up to three opportunities, including one involving elected officials, to resolve land use controversies before their decision will be defined as final.

At that point, under the bill, landowners will be afforded recourse to file private property takings cases in Federal court. Takings cases, or claims that a State or local government action reduced the value of property, take on average over 9 years of litigation before conclusion, yet it is important to point out that the legal basis for takings cases is the fifth amendment prohibition against taking private property without just compensation.

Because some landowners do not have the resources to defend their cases for so long and that the current situation causes unreasonable delay in resolving takings cases, the bill allows property owners to take their cases directly to Federal courts, thereby circumventing the more lengthy and often disadvantageous State courts or local resolution processes. Under current law, the cases cannot go

to Federal court until it is ripe, or local resolution processes and State court appeals have been exhausted. This bill shortens the period after which ripeness occurs.

Property use decisions are appropriately the province of local communities and States. H.R. 1534 is intended to affect a streamlining of a time-consuming process where landowners are denied a requested use but where the ultimate question is a constitutional one—has there been a taking. In my view, the opportunity to answer that question is appropriately accelerated under the bill and appropriately raised before the Federal courts.

I support H.R. 1534 and look forward to making such changes as necessary to ensure it protects property rights consistent with the Constitution.

THE LOWER RIO GRANDE VALLEY
NATIONAL WILDLIFE CORRIDOR

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, October 24, 1997

Mr. HINOJOSA. Mr. Speaker, to say I am disappointed with the outcome of the Interior Appropriations Conference Report as it pertains to the Lower Rio Grande Valley National Wildlife Corridor would be an understatement. The level of funding agreed to by the conferees does not in any way reflect the priority this is to the administration, to the House, and most importantly to the Nation.

The administration requested \$2.8 million for the wildlife corridor, which is truly a national treasure. I wholeheartedly supported this \$2.8 million request, and was successful here in the House in securing this amount. To see this amount reduced by \$1.9 million in conference reflects a true lack of vision not to mention a lack of commitment to preserving one of America's most priceless legacies.

By providing only \$900,000 for land acquisition, the conferees have ignored the importance of acting now to purchase lands from individuals willing to sell valuable wildlife habitat to the refuge. And let me point out that this is not a parochial issue. For years the Lower Rio Grande Valley NWR has ranked first among the Nation's wildlife refuges. It is famous for its wealth of birds. Half of all bird species in the United States are found here.

The unparalleled wildlife richness is in danger. Twenty-one species in the Valley are federally listed as endangered or threatened, and another 3 species are considered imperilled in Texas. More than 100 of the 465 bird species found in the Valley are considered by the Texas Partners in Flight program to be "species of special interest."

Funding for the conservation land acquisitions through the Land and Water Conservation Fund (LWCF) has fallen short of the existing need for years. This year, the President and the Congress agreed in the Balanced Budget Agreement to provide an additional \$700 million for the LWCF. This was to be in addition to the \$166 million included in the President's request for fiscal year 1998. While the conferees have retained the total request, restrictions have been imposed that directly undercut funding for high-priority land acquisitions such as the Lower Rio Grande Valley National Wildlife Refuge. Diverting these already scarce funds to other uses, including