

SEC. 3. That immediately upon the adoption of this resolution the House shall, without intervention of any point of order, consider the resolution (H. Res. 479) to amend the Rules of the House of Representatives to provide for enforcement of clause 9 of rule XXI of the Rules of the House of Representatives. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution and any amendment thereto to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Rules; (2) the amendment printed in section 4, if offered by Representative Boehner of Ohio or his designee, which shall be in order without intervention of any point of order or demand for division of the question, shall be considered as read and shall be separately debatable for forty minutes equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

SEC. 4. The amendment referred to in section 3 is as follows:

Strike all after "That" and insert the following:

(1) Clause 9(a) of rule XXI is amended by striking "or" at the end of subparagraph (3), striking the period at the end of subparagraph (4) and inserting "; or", and adding the following at the end:

"(5) a Senate bill held at the desk, an amendment between the Houses, or an amendment considered as adopted pursuant to an order of the House, unless the Majority Leader or his designee has caused a list of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill and amendments (and the name of any Member, Delegate, or Resident Commissioner who submitted the request for each respective item in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration."

(2) Clause 9(c) of rule XXI is amended to read as follows:

"(c) As disposition of a point of order under paragraph (a), the Chair shall put the question of consideration with respect to the proposition. The question of consideration shall be debatable for 10 minutes by the Member initiation the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn."

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's *Precedents of the House of Representatives*, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that

"the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. CARDOZA. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GRIJALVA. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous materials on H.R. 1528.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

NEW ENGLAND NATIONAL SCENIC TRAIL DESIGNATION ACT

The SPEAKER pro tempore. Pursuant to House Resolution 940 and rule

XVIII, 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. 1528.

□ 1649

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. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, with Mr. LYNCH in the chair.

The Clerk read the title of the bill.

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

The gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Utah (Mr. BISHOP) each will control 30 minutes.

The Chair recognizes the gentleman from Arizona.

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

H.R. 1528 amends the National Trails System Act to designate most of an existing trail system in Massachusetts and Connecticut as the New England National Scenic Trail. In 2002, Congress directed the National Park Service to study this trail for potential addition to the National Trails System. The draft study, completed in 2006, supports designation of the trail, with some changes to the route to address landowner concerns. The administration has testified that no major changes in the study are expected, and expressed support for the measure in testimony before the Natural Resources Committee.

The trail runs 220 miles through the heart of Connecticut and Massachusetts, past some of the most spectacular vistas and landscapes in New England. The trail offers some of the world's best opportunities to view volcanic and glacial geology, including fossil and dinosaur footprints. The proposed trail also fulfills another requirement of the National Trails System Act by being close to population centers. This trail has over 2 million people that live within 10 miles of the route, and this accessibility makes the trail a wonderful recreational opportunity.

The route of the trail crosses land owned by State and local governments and by private landowners. No Federal land is involved. Local trails associations have obtained permission from landowners allowing existing trails to cross their lands. If a landowner requests that the association close the trail on his or her property, the association honors that request. The NPS study identified no need for direct Federal trail ownership or direct Federal trail management.

If H.R. 1528 is enacted, the role of the National Park Service in implementing the designation would be to provide technical and financial assistance to

the existing trail partners, including State, tribal, regional and local agencies, the Appalachian Mountain Club, and the Connecticut Forest and Park Association. H.R. 1528 is cosponsored by Members representing all the affected districts in Connecticut and Massachusetts, and enjoys energetic support from the affected local communities.

Mr. Chairman, this is a good bill, and I want to commend my colleague from Massachusetts (Mr. OLVER) for his commitment and leadership on this matter. We support the passage of H.R. 1528, and urge its adoption by the House today.

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

Mr. BISHOP of Utah. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the opportunity to be here. I appreciate Mr. GRIJALVA as well for joining me here on this particular bill.

There are three types of trail bills that the National Park Service has: historic, recreational, and scenic. This happens to be the last of those; a scenic trail. We have not done one of those since 1983. It would seem that after 25 years, one of the things we ought to be able to do is at least do it the right way.

In the 107th Congress, a study was mandated on this particular trail and was not to go forward until the study was completed, the environmental review was completed. The study has not yet been completed. It is close to it, but not, which is, once again, one of the reasons we will be talking in a few minutes about an amendment to say this should go into place once regular order has taken place, the study has been completed, and then, appropriate to our rules to move forward at that particular time.

This particular trail has been, since 1931, done on a volunteer, local operation. People there have automatically authorized the use of their land, private property, for trails. It has been that way for over 70 years, has functioned well, and it should be one of those things of which we are extremely proud in this country, that people can actually come together and work together on a local area to do something that is good, without the heavy hand of the Federal Government helping them along the way. We have had 70 years of experience with that.

Now, one of the things I'd like to talk about, because I am an old history teacher, is simply one of the things we need to do as a Congress and as a people is to learn the lessons of history. We obviously know the hackneyed cliché that if we don't learn those lessons, we will repeat them. Or, as P.J. O'Rourke did a much better corollary, he who did not learn the lessons of history probably didn't do well in English or remedial math as well.

This Congress ought to do well in all of those, and one of those is the poten-

tial of those lessons of history. It is from those of us in the West who have had a sad experience dealing with Federal issues on Federal land issues. So our good friends in the East have not had that experience yet.

The State of Massachusetts has a grand total of 1.8 percent of its State owned by the Federal Government. The State of Connecticut has a whopping .4 percent of its State owned by the Federal Government. Very little interface with the Federal Government, which may be one of the reasons why Mr. YOUNG of Alaska or Mr. HELLER of Nevada, who stand up with concerns, should be taken into consideration, because 90 percent of their State is owned by the Federal Government, or Mr. FLAKE of Arizona, with half of his State, over half controlled by the Federal Government, or 70 percent of my State is controlled by the Federal Government. And we have had, by sad experience, seen where well-meaning and well-intentioned efforts on behalf of the Federal Government have led to some negative and unfortunate situations.

I want to tell you one story in an issue that is different than a trail setting. I want to talk about Gene, an old farmer, third-generation farmer, growing sugar beets, which, by definition, is a root crop and cannot grow in wetlands. Gene decided he would rent part of his sugar beet land for alfalfa, and to make sure that the water, which was going from an irrigation pipe from the creek to his land, would get to the high point, he allowed it to pool in the lower point.

One day, one of the Federal regulators, given authority under a very vague Federal law, came there and said that land is obviously a wetland. Actually, what he simply said is that the Great Salt Lake is part of our interstate commerce system, Logan Creek is part of it going into the Great Salt Lake. Therefore, the irrigation pipe is part of the navigable waterways of the United States, and the water is a wetland.

It didn't matter that Gene was able to get the Soil and Conservation Corps in there to prove the land was not conducive to wetlands; didn't matter that once he stopped the irrigation pipe, the water went away. In fact, that same regulator from the Federal Government threatened to throw him in jail if he actually stopped that water from going into the navigable rivers, i.e., irrigation pipes of the United States.

The end result is that this old gentleman, who in his entire experience in working with the Federal Government I never heard him utter one swear word, although I did on many occasions, had his entire heritage regulated and controlled by, not taken, because that means the Federal Government would have had to pay him for it, instead, they regulated and controlled it. They told him what he could or could not do. They took away not only his heritage, but took away his pension.

They also took away his pension and legacy for his children, and, yes, I am mad about that.

When this Congress passed the Clean Water Act, which has to be a wonderful act; no one would be opposed to the Clean Water Act, we did not intend to take Gene and ruin his life. But because the language was vague, we allowed government entities to interpret it their own way, and, in fact, we harmed that old gentleman. It's not what we intended to do. No one wanted to do it, but, nonetheless, that citizen was harmed.

We have already talked in the rule debate over one citizen who wanted out of this trail system, and by the fact she had enough money and time and determination, she was allowed to be exempt from that. Whether that is isolated or indicative of a greater situation is what we must be very careful of; otherwise, our good intentions will actually harm and hurt individuals, which is not what we should be doing.

We did have testimony coming in of other people who were in this same situation in this same area. The government should not be in the business of harming people. We should be in the business of protecting the little guy so that his home, his farm, his legacy is neither harmed by anything that we will do. Too many irregularities with government land have happened in the past to say that we can do anything less than making sure that our language in these types of bills is specific and direct as to what we intend to be the net product. If we say we want to save somebody's property, we don't want to take it, it must be specific and direct and say that; otherwise, like we had with the Clean Water Act, people can interpret it in a different way, and American citizens get harmed.

Mr. Chairman, under the pronouncement, the point that was made by Mr. GRIJALVA at the very beginning of his motion, I would like to submit letters into the RECORD indicative of individuals who have those same problems dealing with the Federal Government. It wasn't intended for them to be harmed, but they have been harmed and they have been harassed in like situations.

□ 1700

We have proposed several amendments which in all sincerity if adopted would make us happy with this bill, and we could support it in every sense of the word.

One of the issues deals with the concept of hunting and gun rights. Long in the 75-year-plus history of this trail, there has been a cooperative effort to make sure that those rights were not infringed and that local ordinance and local concerns would be the dominant factor. We want to make sure that that is very clear in this bill. It is the intent of the sponsor, but we insist that the verbiage has to be specific to make sure that that is never put into any

question or doubt by some future Congress, some future regulator, some future judge.

We will have an amendment also to be presented to do exactly that, to make sure that it is very clear that is our intent, that local law will take precedence.

We have said before that we are concerned about a potential eminent domain loophole within this bill. We are concerned about that, and at some time we will want to address that as we go through with this particular debate.

APRIL 14, 2007.

Re H.R. 1528.

Chairman NICK RAHALL,
Ranking Member DON YOUNG,
House Committee on Natural Resources.

CHAIRMEN RAHALL AND RANKING MEMBER YOUNG: My name is Katherine (Kitty) Breen and I am writing to testify in opposition to H.R. 1528, the New England Trail Bill.

My family owned Saddleback Mountain and Ski Area in Rangeley Maine. The Appalachian Trail traversed over Saddleback Mountain and bisected the mountain's ski terrain. The negotiation between my family and the NPS over what could have been a simple land donation exceeded 20 years and had a serious, long-term detrimental affect on my family, the ski area and the surrounding community. Eventually, after millions of dollars lost, countless hours of time from our highest ranking state and federal public officials, strained professional careers of an entire "at risk" community, and negative health and financial repercussions for my family members, the Saddleback Issue was resolved. For now.

I speak to you as someone who has been NPS classified as a "willing" seller. In reality, we were bullied, pressured, intimidated, threatened, ignored, played with and forced. In the end, we escaped, we are still alive, financially solvent, and able to be grateful to those who helped us. Most land owners who deal with the NPS administrators are not as fortunate. For this reason, I feel a moral responsibility to speak out.

I have previously submitted testimony on July 26, 2005 describing many of the legal details and strategies devised by the NPS to take more land than was legally allowed or intended by Congress. Let me just say here, that during the entire 23-year conflict, which began in 1978 and ended in 2001, my family was acting honorably and in good faith, trying to donate the required land to secure a permanent passageway for the Appalachian Trail. Many offers were put in writing, countless face to face negotiations were held (many which were observed or even facilitated by Senators Snowe and Collins and their staff), thousands of citizens wrote letters and a unanimous resolution passed by the state Senate urged acceptance of our donation offers. And yet, inexplicably, the NPS not only refused to accept or seriously consider our offers but in an increasingly intimidating manner, proceeded to bully and emotionally threaten us for more.

I am opposed to this Bill because in our experience, the authority you think you are granting the NPS, will not be what they will implement. They will find ways to interpret that authority in ways unforeseen by Congress, to achieve goals Congress may even be explicitly forbidding. In our specific case, even when we were able to point out inconsistent and incorrect interpretations of power, even when a sitting U.S. Senator commanded them to behave, it became clear that no one had the oversight or authority to stop them. Based on our experience and those of others with whom we have spoken

along the Trail, they can and will interpret this bill and its authority inappropriately to bully landowners.

I am writing this letter because we are not typical landowners. On reflection, we were fortunate to have a constellation of resources, political capital, expertise, moral determination and luck that others would not be likely to have. My family had another business which financed us. Our long-standing relationship with a community which supported us and wanted us to succeed enabled us to undertake a grass roots campaign involving thousands of supporters. We were lucky that all of the Maine Congressional Delegation were honest, hardworking, reputable public servants who would listen to us, provide neutral environments conducive to resolution, observe injustices, and ultimately take action that achieved resolution. Ultimately, our problem was resolved by Secretary Babbitt himself, who worked with ex-Senator Mitchell and Senators Snowe and Collins and Congressmen Baldacci and Allen. Our case was resolved on the day Clinton left office.

In sum, we had not only luck, but tremendous resources and political pressure on our side. We cannot imagine any other single land owner having the financial resources, determination, intellectual capacity, political capital or emotional/physical health to fight the NPS administrators who use unjust tactics to achieve unintended program goals.

Following are a few examples of what we consider unjust tactics: we experienced repeated attacks on our integrity, often by radio in our home town. My family has a deep and broad commitment to public service, so these attacks hurt. While our long-standing reputation protected us from these attacks, it was nonetheless hurtful and continues to be so. Nothing has been unaffected: my career, my husband's career, my family's reputation.

They also conducted biased "scientific" studies and publicly vilified us regarding financial viability in order to justify our existence. With limited resources, we were placed in a position where we had to defend ourselves and refute their studies instead of being able to spend what time and resources we did have growing the business. We were shut out from public opportunities to set the record straight despite requests from a sitting U.S. Senator to allow us to do so.

The negative campaign conducted trashing Saddleback's business viability continued to have repercussions long after the settlement. When my father retired, it was very hard for us to convince future owners of the mountain's viability. There were stacks of inaccurate NPS studies showing otherwise and we had to disprove everything. Additionally, despite verbal agreements that the NPS would not come back for more land once we had left, the NPS refused to put such a statement in writing.

In our experience, the NPS uses the Appalachian Trail Conference (ATC) to do the work they are legally prevented from doing. The two work in inappropriate partnership in this regard. In all negotiation sessions, the ATC presented scenarios on behalf of the NPS, and were presented to us as representing the NPS. But agreements forged with the ATC were then retracted by the NPS. In this way they were able to squeeze more concessions out of us.

Showing up to negotiation sessions with no decision making authority was another common tactic and any level playing field requirements we requested were turned against us. For example, they refused to negotiate at all if we required transcripts of the negotiations and agreed upon outcomes. And after refusing multiple invitations for negotiation during the nine months of my pregnancy,

they sent a letter to my office a week after my son was born threatening eminent domain if I didn't meet to negotiate immediately. Only a few weeks later a Maine newspaper headline screamed that negotiations were off due to my baby's "colic". You can imagine how a first time mother who had left her chosen career and worked tirelessly in good faith throughout her pregnancy would feel.

Today, six years after resolution, we are still recovering from the personal toll the conflict took on us. I am just now starting to feel like the anger I developed as a result of the Saddleback/NPS experience is starting to leave me, and that I can begin to talk about it without negative repercussions. Even so, I try not to talk about it or think about it and I work to shield my 76 year old father from it. My husband and I are grateful the sense of betrayal and anger has finally left our house.

The general public does not want to believe that NPS administrators are the bullies they have shown themselves to be. But they are and as our elected officials you need to know that. Based on conversations with other land owners, I believe that a majority of land owners who have had to negotiate with the NPS have similarly devastating experiences to share.

It is hard to come forward. We still have land at Saddleback, and fear that they will retaliate. Other people will feel the same way. It is not in my family's best interest to write this letter, I did not want to write this letter, but I feel a moral responsibility to my country to do so.

My family and the Western Region of Maine had the benefit of an amazing constellation of resources and good luck. I can not imagine such luck striking twice or that most land owners would be able to withstand the indecent tactics employed by the current NPS administration. Nor can I envision a way that you can regulate against them once you have empowered them. While I can support the creation of a multistate trail system, I cannot in any way support NPS or ATC involvement in such a cause. Please create the Trails under the State regulators and under the guidance of state citizens with access to State Government. Please join me in opposing NE trail Bill H.R. 1528.

Thank you,

KITTY BREEN,
*Former Executive Vice
President and Chief
Negotiator
for
Saddleback Mountain.*

CHRIST THE REDEEMER
CATHOLIC CHURCH,
Sterling, VA, May 18, 2007.

Hon. DON YOUNG,
Hon. RON BISHOP,
*Subcommittee on National Parks, Forests, and
Public Lands, House of Representatives,
Washington, DC.*

DEAR SIRs: Thank you for the opportunity to express my concerns regarding H.R. 1528, which permits the Secretary of the Interior to administer the New England National Scenic Trail consistent with the plan developed by the National Park Service.

My concerns grow from my experience with the National Park Service's administration of the Appalachian Trail while I was Minister General of the Franciscan Friars of the Atonement when the National Park Service attempted to seize 118 acres of the Friar's property through eminent domain.

BACKGROUND

Graymoor, Garrison, New York has been the headquarters of the Franciscan Friars of the Atonement since 1899. The 420 acres provides housing for friars, a homeless shelter—

St. Christopher's Inn (operating since 1909), worship, a retreat ministry and a variety of other ministries and programs including providing hospitality to Appalachian Trail hikers. In the course of a year several thousand persons come to Graymoor for shelter, spiritual renewal, to enjoy the natural beauty, to worship or for pastoral counseling. On a typical weekend there may be 300 to 400 visitors or several thousand. From the beginning the Friars have always welcomed visitors and those seeking assistance.

FIRST THREAT OF EMINENT DOMAIN

The Friars permitted the Trail to cross the eastern portion of the property at Graymoor in 1923 on a handshake agreement. Beginning in 1980 the National Park Service requested the trail be moved to the western portion of Graymoor, which directly borders the area in which most of the previously mentioned ministries and activities take place. For that reason, the friars resisted and preferred the Trail remain in its original location, The National Park Service threatened eminent domain. In 1984 the Friars reluctantly agreed to grant an easement for 58 acres and the trail was moved from the open and natural eastern side of Graymoor to the more built-up and busy western side.

SECOND THREAT OF EMINENT DOMAIN

During 1980's the Friars began to undertake needed and necessary upgrading and repairs of infrastructure. This was needed to continue St. Christopher's Inn, to accommodate pilgrims and retreatants, and for St. Paul's Friary in which the friars lived. The first project was the installation of a sewage treatment plant and sewer system. Due to the fact that Graymoor is located on a mountain, it was necessary to install a sewage treatment pump. To house that pump, a shed was built, about the size of a shed you would purchase for your lawnmower and garden tools. One corner of that shed (maybe 15 square feet at most) infringed upon the easement.

It was in this time period that the National Park Service informed the friars that it wanted to expand the easement from 58 acres to 118 acres in order to protect the environment on both sides of the Appalachian Trail. The reasoning was its mission had expanded from maintaining the Trail to protecting its immediate environment and to protect any further infringement by the friars as happened with the pump shed.

As Minister General of the Friars I was opposed to this expanded easement because our land on the western portion of Graymoor is the area in which friars live, employees' work, and ministries and programs take place. We considered the land to be holy and to be used for the service of God, the Roman Catholic Church, and the thousands who came for whatever reason. It was my responsibility to make every effort to ensure that we would have the needed resources for future growth and use. To expand the easement could all too easily hamper our ministries or future development. One example is that the proposed new easement would have bordered our sewage treatment plant, thus making any future upgrades almost impossible. As an aside, since that time the new St. Christopher's Inn and the new infirmary for the Franciscan Sisters of the Atonement have been hooked up to the sewage treatment plant—my concerns weren't just theoretical. Part of the area, if confiscated by the National Park Service, was also used for parking. We offered the National Park Service the opportunity to switch back the Trail to the original setting, still undeveloped, so that not only the Trail could be maintained but that there would a natural environment for it. The National Park Service refused this option and threatened to proceed with eminent domain.

It was only with the active intervention of Sen. Charles Schumer and the assistance of Representative Sue Kelly was this issue resolved to the satisfaction of the Friars and the National Park Service.

One of the surprising things I learned during our negotiations with the National Park Service was the fact the agreement for an easement could not contain any provision in which the U.S. government would agree not to further use eminent domain. This certainly leaves open the possibility of more disagreement in the future if the National Park Service expands its mission regarding the Trail or switches its location once again.

Even though H.R. 1528 states, "The United States shall not acquire for the trail any land or interest in land without the consent of the owner", the plan mandated by this bill does permit that. Also, efforts are being made to the states to claim the land by eminent domain before it would come under management of the Secretary of the Interior.

I urge the Subcommittee on National Parks, Forests, and Public Land not to endorse this bill.

Thank you.

Sincerely,

Rev. ARTHUR M. JOHNSON, S.A.

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

Mr. GRIJALVA. Mr. Chairman, I appreciate the comments that the gentleman from Utah, the ranking member of the subcommittee, made. There is a point of consistency, too. As we talked about the effects, I thought we were talking about a trail bill, not a farm bill, but the effects of the Federal Government on private land.

I would suggest that part of the consistency would be to quit incentivizing extraction of mining claims and mining rights on private property, that that would be consistent. It would be consistent also to not have eminent domain and condemnation with regard to road construction of Federal roads and energy corridors. I think that kind of points out the fact that we are talking two different things here. We are talking about a trail that has already been through the process and the study and that merits our support today.

Mr. Chairman, I yield 5 minutes to the gentleman from Connecticut (Mr. MURPHY).

Mr. MURPHY of Connecticut. Mr. Chairman, I thank Chairman GRIJALVA, and thank you also to Chairman RAHALL and my good friend Mr. OLVER from Massachusetts for their hard work and diligence in bringing this bill to the House floor. The process by which it comes to us started long before I arrived here.

Mr. Chairman, in this digital age, our computers, our cell phones, our BlackBerrys, our PDAs, they have all collapsed vast distances that for so long have defined our lives. Continents can now be bridged in seconds with just the touch of a button, and the miles of fiber optic cable running beneath our feet and the satellites orbiting miles above our heads have helped make our modern world seem much smaller and much more compact. The idea of sending a physical letter through the mail now seems charmingly outdated in an age where communication is measured at the speed of light.

But in our wholesale embrace of this breathtaking new age of technology, we sometimes have lost sight of the enduring power of the natural world. Back in the outdoors, one is once again reminded of the sheer immensity and the beauty of the world around us. Getting away from our cars, getting away from our desks and laptops, thousands of New England residents every day take to the parks, to the trails, and to our reserves to reconnect with the natural world that thrives quietly all around us.

I rise today in strong support of H.R. 1528, the New England Scenic Trail Designation Act, because it will give thousands of more Americans, many of whom reside in the Fifth District of Connecticut, access to one of the most beautiful natural resources throughout the Northeast.

The Metacomet-Monadnock-Mattabesett Trail, or the MMM Trail, runs some 220 miles from the southern border of New Hampshire all the way down to the Long Island Sound, from Royalston, Massachusetts, to Guilford, Connecticut, cutting across the Farmington Valley towns and the towns of New Britain and Meriden in the Fifth Congressional District of Connecticut.

Now, this isn't some secluded, inaccessible trail. This gem runs right through the heart of some of this district's most populous areas. More than 2 million people live within 10 miles of the MMM Trail, making it uniquely accessible as a recreational opportunity for hikers, for joggers, for picnickers, and for everyone who loves the outdoors.

With this bill's passage, the MMM Trail will become only the ninth scenic trail designated in the 40-year history of the national trail system, joining the likes of the Appalachian Trail and the Continental Divide Trail throughout the country as these national scenic recognized trails.

Until now, the MMM Trail has been maintained through the generosity of private donors, through natural preservation groups and landowners who have allowed people to pass through the trail of their own accord. With Federal recognition, the trail will have access to grants and to resources that will help with its maintenance, with its preservation, and with public awareness.

The hundreds of thousands of Connecticut and Massachusetts residents who have enjoyed the MMM Trail over the past half century will be joined by scores of new visitors coming to enjoy its breathtaking vistas, its distinctive flora and fauna, and its rich history. And those who have enjoyed the MMM Trail in the past will now be assured that the trail will be protected for future generations, while ensuring that the trail is actively maintained and cared for for all.

Perhaps the most important backers of this trail are the thousands of nature lovers who have hiked and enjoyed the MMM Trail for decades. Just today,

Adam Moore, the director of the Connecticut Forest and Park Association, wrote me. He said: "It's thrilling to me to think that this beautiful trail that I once hiked with my father could now become a scenic trail. I recall dangling my legs off the rocks of Mt. Pisgah in Durham while my father pointed out the gold building in Hartford some miles away gleaming in the distance. It is so inspiring to think that this trail in my home community could merit national status and recognition and that people will be able to enjoy it for years to come."

Mr. Chairman, I would like to submit at the conclusion of my remarks several such testimonials for the RECORD.

Mr. Chairman, as chairman of the Congressional Land Conservation Caucus and a representative of the thousands of Connecticut residents who lie along the MMM Trail, who have enjoyed it for years and will enjoy it for years to come, I hope that the House will join me in recognizing and protecting this beloved trail for future generations. I urge my colleagues to vote in favor of H.R. 1528 and join me in the near future for a hike through the beautiful hills of New England.

SIMSBURY LAND TRUST,
Simsbury, CT, January 21, 2008.

Representative CHRISTOPHER MURPHY,
Cannon House Office Building,
Washington, DC

DEAR REPRESENTATIVE MURPHY: We want to thank you for your time and comments January 12 at the Avon Community Center. It is easy to start thinking of our local challenges in a vacuum and it is useful to have an opportunity like your visit provided to sit down with others and to look at the bigger picture. We also appreciate your offer to help should we think your office could be of assistance in working with federal programs. I actually plan to send some ideas and a request this winter.

In the meantime, we wanted to get this thanks to you and also to respond to your comments regarding the New England Scenic Trail Designation Act and recognition of the MMM Trail. We could not agree more with you that this is vitally important. As you know, the MMM Trail runs through Simsbury as well as other Farmington Valley towns. It is the most heavily used trail in this town as well as in neighboring towns. It is easily accessible to the Greater Hartford area, it has spectacular views of both the Farmington River Valley to the west and the Connecticut Valley to the east and it is rugged enough to be both physically and intellectually challenging.

Over many years the State of Connecticut, towns and land trusts along the trail have acquired large sections of the ridge over which the trail runs. However, there are still important sections that all of us continue to work on. We know well from experience along this trail as well as others that trails are under continual pressure as development along the hillsides crowds out this historical use. This trail is a regional and national treasure that gets heavy public use by local residents and visitors alike. National scenic designation will be a valuable tool and will be a great help in assisting regional efforts to maintain this resource for years to come.

Thanks again for your recent visit.

Sincerely,

RICHARD A. DAVIS,
President.

January 28, 2008.

Congressman CHRISTOPHER S. MURPHY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MURPHY: On behalf of the Connecticut Forest & Park Association, I am writing to express our strong support for H.R. 1528, the New England National Scenic Trail Designation Act. This bill would designate the Metacomet and Mattabesett Trails in Connecticut, and the Metacomet-Monadnock Trail in Massachusetts, as the New England National Scenic Trail. We strongly support this legislation as it would greatly enhance the opportunities for the stewardship of these trails while leaving the fundamental, voluntary nature of this trail system intact.

The Connecticut Forest & Park Association established the Metacomet and Mattabesett Trails in Connecticut in 1931, and our volunteers have maintained them as open-to-the-public hiking trails ever since. The Association would still maintain these trails in Connecticut if designation occurs. With funding and assistance that could come from National Scenic Trail designation, we would be better able to work closely with landowners and towns, post signs, construct trailhead kiosks and parking areas and improve the condition of the trail for owners and for the walking public. Furthermore, we believe that National Scenic Trail designation would enhance the prospects for willing seller land conservation along the trails.

I further note that the primary goal of the National Trails System Act states that "trails be established primarily . . . near the urban areas of the nation." With two million people living within ten miles of this trail, the proposed New England National Scenic Trail certainly meets this goal, perhaps better than any other National Scenic Trail.

Thank you very much for your support of the New England National Scenic Trail Designation Act.

Sincerely,

ADAM R. MOORE,
Executive Director.

STATE OF CONNECTICUT,
EXECUTIVE CHAMBERS,
Hartford, CT, January 29, 2008.

Congressman CHRISTOPHER MURPHY,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN MURPHY: I am writing to express my support for the New England National Scenic Trail Designation Act. Amending the National Trail System Act to designate the Monadnock, Metacomet and Mattabesett (MMM) Trail System as the New England National Scenic Trail, will generate the necessary increased levels of attention and resources to ensure the long-term viability of the MMM Trail System. I believe that this designation is an important step in preserving the unique character and quality of life that we enjoy in our states.

The 825 mile MMM trail system forms a backbone supporting our state's ecological, historic, scenic and economic resources. More than two million people live within ten miles of the trail system. As development continues to change our landscape, unprotected portions of the MMM Trail System continually experience increasing pressures. The Connecticut Forest & Park Association established the Metacomet and Mattabesett Trails in Connecticut in 1931, and through the hard work of volunteers and the good will of private landowners, these trails have remained open to the public but are greatly at risk. The legislation will help to protect this regional treasure for generations to come.

I am confident that the MMM Feasibility Study's goals we identified in collaboration

with the Massachusetts Department of Conservation and Recreation can be brought to fruition. Thank you for your continued leadership on this issue.

Sincerely,

M. JODI RELL,
Governor.

DEAR SIR: The Avon Land Trust strongly supports H.R. 1528, the New England Scenic Trail Designation Act, because open space preservation is an increasingly important issue in Connecticut and scenic trail designation conserves open space and promotes the use of that space. Hiking is a low cost, low key recreation that gets the public, especially families, outside to see nature firsthand.

As more land is developed in Connecticut, habitat is reduced but trail systems protect wildlife corridors crucial to many species. This particular trail system is located on ridge line, which helps preserve the appearance of these highly visible geological features in the Farmington Valley.

Regards,

ROBERT BRECKINRIDGE,
President, Avon Land Trust.

Mr. BISHOP of Utah. Mr. Chairman, I yield such time as he may consume to the ranking member of the Natural Resources Committee, the gentleman from Alaska (Mr. YOUNG).

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Mr. Chairman, first let me thank the ranking member of the subcommittee for his excellent presentation on this legislation, and, yes, the chairman, too. There is just a matter of a difference of opinion.

Again, the majority on that side is more interested in creating recreation and amusement opportunities than creating jobs and affordable energy. It is ironic to me that one of the States, in fact both of the States, named in this bill, none of their Representatives or their Senators have ever voted for any energy development, not one time. And consequently, they are paying, their constituents, a tremendous price for energy they are consuming.

Just last week, the Boston Globe published a story that said: "Massachusetts manufacturers pay the highest electricity prices in the Continental United States," thus discouraging industry coming into the State. In fact, it is leaving.

A 200-year-old paper mill in Lee, Massachusetts, was shut down because of high energy costs, a loss of 160 jobs. Now, some of these workers may get an opportunity to be retrained to cut brush on the trail we are trying to set aside today. Of course, that pays the minimum wage.

It is ironic to me that this was all caused by a lack of action in this Congress. New England needs energy; and if I can remind this body, and good morning, Mr. and Mrs. America, that is our number one problem in this country today, is energy. That side of the aisle, not only the side of the aisle in the House but also in that other body, now because of you, we are importing—

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The gentleman will please direct his remarks to the Chair.

Mr. YOUNG of Alaska. In what line? What did I say wrong?

The CHAIRMAN. While speaking in the second person. The gentleman pointed to the other side.

Mr. YOUNG of Alaska. I will point to you next time.

We are importing 12 million barrels a day from our enemies, thanks to you; 12 million barrels a day, at \$100 a barrel. Mr. and Mrs. America, remember, \$1.2 billion a day we are sending overseas because of the majority not supporting energy development. That is \$438 billion a year that we are sending overseas, to not our friends, but to our enemies, the Chavezes, and to the Iraqis, the Kuwaitis, Saudi Arabia, and, yes, a little bit to Russia, because we don't have the courage to develop our oil and our fossil fuels in this country, thanks to the majority.

And we just voted on a stimulus bill today. Big deal. If you are taking that up, \$438 billion a year, we are imposing a \$1,460 tax on every man, woman, and child in America every year because the majority will not support energy legislation. Oh, you are going to support a trail today, taking taxpayer dollars again for recreation, but you will not support energy in this country. And this Congress, especially the majority side, has never, ever supported energy production in this country of any type, nuclear, even wind power, and certainly not fossil fuels.

That is what is wrong with this Nation today. We are bleeding the economy from our bodies to support overseas countries for fossil fuels which we have on our shores, on our shores and off our shores. We are disallowed from developing the Rocky Mountains. We are disallowed from drilling off the coast of California. We are disallowed from even drilling off the coast of Alaska. And, of course, the majority will never support opening ANWR, which has 39 billion barrels available for America.

And for those out there, my colleagues, every time you fill your gas tanks, it doesn't hurt you too bad. But Mr. and Mrs. America as they go to work are being taxed by you. The stimulus package, everybody might get \$1,000. But remember, everybody is going to be taxed this year \$1,460, every man, woman, and child in America, because this Congress on the majority side doesn't have the courage, the courage nor the wisdom, to develop necessary energy in this country which we have.

I ask you, when are you going to wake up? When is this body, and even the Presidential election that is going forth today, I don't hear anybody talking about developing energy sources. I hear about conservation and light bulbs made in China and filled with mercury. Wait until you try to dispose of those, Mr. and Mrs. America, and see what happens. I say shame on us.

This bill today is a trail that people say they need and they want. But I suggest, respectfully, if you don't address the energy bill, you will never be able to have anybody walk on it. You might as well make your highways into trails, because you won't be able to run your trains, your planes, your automobiles, or your ships.

And that is the economy of this country. That is the economy of this country. If you can't move product to and from, if you don't have the energy within your factories to produce those products and hire the people, you don't have an economy. You don't have an America. You don't have freedom. You don't have the Nation of the United States of America.

We were made great because we had a source of energy. We were made great because we had hydro and we had fossil fuels, the coal that drove our steel mills and produced the greatest war machine to stop World War II in history. We used our coal because we needed it. We had it and we did it. Not today. You can't do it.

So, as I say, Mr. Chairman, this Congress has a tremendous responsibility and you are not living up to it. You passed an energy bill that produced nothing but hot air. Nothing. Conservation, yes, we are all for that. But it had no production in that bill of any source of energy. And yet we say we passed an energy bill.

It will come back. It will haunt you. And some day down the line your grandchildren and all those around you and their grandchildren will say, what was Congress thinking about? The greatest Nation in the world, the greatest Nation in the world became a third-class country. The greatest Nation in the world, because we didn't produce our energy. We didn't provide for the future generations.

And for those that don't agree with me, thank God these words are going down. And some day along those lines they will say, you know, the gentleman from Alaska had a point that they should have listened to, but they did not. It is too bad they didn't, because we are where we are today, not the democracy that they were then and not the greatest Nation in the world, in fact a third-class country.

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut (Mr. COURTNEY), a cosponsor of this legislation.

□ 1715

Mr. COURTNEY. Mr. Chairman, I want to start by first of all thanking Chairman GRIJALVA who during this 110th Congress has shown that he is a true friend of the State of Connecticut with his advocacy on the 8-Mile River bill and now for the MMM Scenic Trail bill.

I also want to recognize Congressman OLVER for his hard work on this issue, and Congressman MURPHY and the other cosponsors of this legislation.

People are extremely excited who live in the area that will be affected by this trail. Again, I think it will be a wonderful step forward for New England. And as CHRIS said, reconnecting with its terrific natural beauty and natural heritage.

Four of the towns which this trail goes through touch Connecticut's Second District. Suffield, Durham, Haddam and Madison, at various points on the map that Congressman MURPHY presented, are part of the national scenic trail.

This is a system, to sort of get back to the bill before us today and maybe away from some of the global issues which were just discussed, it was a system created in 1968. Twenty-three trails have been given designation by Congress during the last 40 years in a very nonintrusive way with no damage done to people's property rights, but in a way that is a partnership relationship between the Federal Government and local landowners and communities.

It is my understanding that the Governor of the State of Connecticut, Governor Rell, a Republican, is supporting a letter in support of the legislation. I think that is indicative of the feeling of the communities that are touched by it, certainly in the State of Connecticut, and particularly by the private, nonprofit Connecticut Forest and Park Association, which Mr. BISHOP gave great praise to, and they deserve it for the work that they have done over the many years.

But I think it is important that when we talk about the work that they did, they are vigorous advocates and supporters of this legislation because they see it as consistent with the mission that they have carried out for 75 years, to keep the trail accessible to families, to individuals from all over the world. They deserve, I think, the biggest credit for their support for this legislation over the last few years.

Finally, I want to say in response to the prior speaker, the Members of the U.S. Senate from the State of Connecticut did support production of new sources of energy in the energy bill which was sent to the Senate. Production tax credits for geothermal wind and solar were paid for by taking away tax breaks for oil companies. Unfortunately, the opposition party in the Senate stripped those critical, important, necessary changes that our country is yearning for. We in the Northeast are as committed as any part of the country in terms of the need to transform our energy system so we will have a thriving economy that will be there for our children and our grandchildren.

Mr. BISHOP of Utah. Mr. Chairman, I would like to talk about one other potential problem with this particular bill. It is not really a problem, but it is a concern that needs to be addressed in some particular way.

We have talked a great deal over the past year about the concept of PAYGO.

This bill does not have a PAYGO concern; the committee said it did not because it does not specifically appropriate money. However, it does authorize the use of money, and in the bottom line from what people would be saying at the kitchen table, it costs money.

This bill will actually cost \$2 million. Not a huge sum, kind of a rounding error in our government, but it is still \$2 million. The money is not having to be offset under PAYGO earmarking accounting rules. However, it is still money that has to be spent, and it has to come from somewhere else.

Where it will come from is the Parks Department budget which will then take it from other projects. It is one of the spinoff effects every time we add a new measure that the Parks Department has to administer, has to pay for and has to run. That is one of the concepts that we have.

I mention that simply because we have crying needs in the Parks Department today. I would like to mention specifically this building. It is not in my district; it is Mr. MATHESON's district in my State. But it is a brilliant building at Dinosaur National Monument. I went there with my kids. I have been there before several times with other kids. It is a wonderful opportunity for people to see bones exposed in the mountainside itself. It is a great learning experience with one problem: it is condemned. And we don't have the money in the parks system to fund it, to fix it.

This is one of those issues here. It is only \$2 million for this trail. It is only a little more administrative responsibility and a little bit more land. But the problem we have is it comes from somewhere. It comes from these types of problems, these types of issues and determinations that need to be made.

Even though it doesn't have to be offset by PAYGO rules, it has to be funded somewhere and that is going to come out from other needs that are in the Park Service that will continue to be minimized as we expand the assets that this government has and we expand the programs that the Parks Department actually has to run.

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

Mr. GRIJALVA. Mr. Chairman, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Chairman, I am delighted to rise in support of H.R. 1528, the New England Scenic Trail Designation Act, which would designate portions of the Metacomet-Monadnock-Mattabesett, or the MMM Trail System, as a national scenic trail.

I commend Representative OLVER for his leadership on this issue, and I thank him for bringing the entire region together to make this happen.

This is a simple commitment to act as responsible stewards of our natural resources. We have an obligation to our communities and to generations that follow to preserve our Nation's scenic

beauty, wildlife, and outdoor recreation.

Now we have the opportunity to make good on that great promise, every step of the way along the 190-mile MMM trail system as it winds through 39 communities in central Connecticut and Massachusetts.

The trail route, which has been in existence for over half a century, hosts numerous scenic features and historic sites. But more than that, this unique trail passes through some of the most densely populated parts of the country, 2 million people live within 10 miles of the trail, and offers users exceptional recreational opportunity near urban areas.

That is why this legislation is so critical. By protecting against increasing pressures from residential subdivision growth, national scenic trail designation will provide an opportunity for long-term viability.

It will offer residents safe, healthy recreation options free of smog, congestion, and stress. In an age when we are constantly trying to combat sprawl in our communities, we need to recognize that these kinds of projects are a real investment in our communities and in community spirit alike. I urge a "yes" vote.

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

Mr. GRIJALVA. Mr. Chairman, at this time I would like to yield to the sponsor of this legislation, the gentleman from Massachusetts (Mr. OLVER) such time as he may consume.

Mr. OLVER. Mr. Chairman, I am not quite sure how long my voice will hold out, so I will probably be fairly short.

I just want to commend the chairman of the full committee, Chairman RAHALL, and the chairman of the subcommittee, Chairman GRIJALVA, and thank them for all of their great work in bringing this bill to the floor.

The New England Scenic Trail Designation Act is a product of almost a decade of cooperation between the Massachusetts delegation and the Connecticut delegation, and both delegations have changed over that period of time, the National Park Service, the Appalachian Mountain Club, the Connecticut Forest and Park Association and a lot of local communities and individuals.

The bill designates major portions of an older, voluntary Metacomet-Monadnock-Mattabesett trail system as a national scenic trail. Now, I have hiked every mile of the old voluntary system through Massachusetts; and while some segments are very well protected, other sections have suffered serious encroachment. National scenic trail designation will provide an opportunity for long-term preservation for future generations.

Currently, the MMM trail system is administered by local nonprofit organizations: the Connecticut Forest and Park Association in Connecticut and the Appalachian Mountain Club through its Berkshire Chapter in Mas-

sachusetts. The Connecticut Forest and Park Association in fact is a private nonprofit organization which contracts with the State of Connecticut to run the trail systems in all of their public parks, so it is a very reputable organization which has been there for a long time and has a huge number of volunteers who work on it, and it works closely with the State of Connecticut. I want to recognize and thank the many volunteers and staff of these organizations who have worked diligently to help develop this initiative. Because of their effort, every Member through whose district this trail system passes supports this legislation.

In the case of Massachusetts, the Appalachian Mountain Club has over time been sort of a sponsor for the trail within Massachusetts, the old voluntary trail, not only this trail but other trails within Massachusetts. In Massachusetts, the land passes through at least four substantial State parks or State forests so that much of the land is already publicly owned by the State of Massachusetts, but there are connections between those publicly owned pieces of land and there are visitor centers and park facilities and so on at a rather convenient distance for hiking purposes, for day hikes or overnight camp-type hikes along the way.

Now, I understand that some Members have expressed concerns that this bill will infringe upon landowner rights and allow the National Park Service to seize lands through eminent domain. Well, the Federal Government does not own any land anywhere in the area that the trail is intended to go, following the old voluntary trail, and then some additional territory that has to be worked out by the Connecticut Forest and Parks Association in order to reach the Long Island Sound. There is no expectation of there being any Federal land there. It was never intended there would be federally owned land. Whatever protection of the land would be held by the Park Association or on behalf of the State of Connecticut. And in Massachusetts, the same thing is basically true.

No one wants to establish Federal ownership of a corridor. In recognition of that, in the legislation we added the language: "The United States shall not acquire for the trail any land or interest in land without the consent of the owner."

Yet the argument keeps coming back that that doesn't protect people. Well, maybe the language of the motion to recommit will satisfy that. I think it is completely redundant with what is already there and certainly in total keeping with the intent not to have any Federal ownership of land in that area.

The blueprint for the management of the trail specifically states that all existing landowner uses and rights, including hunting, fishing, timber management and other recreational activities, will continue to be at the discretion of the landowners.

Throughout the process, protection of private property has been of the utmost concern, and I believe we can accommodate the concerns of all landowners and continue to provide a scenic, protected path for public use as the New England National Scenic Trail. There is wide support for this designation. I would submit for the RECORD a March 25, 2007, Boston Globe editorial and a letter of support from the Massachusetts Secretary of the Executive Office of Energy and Environmental Affairs, Ian Bowles.

[From the Boston Globe, March 25, 2007]

FROM MONADNOCK TO THE SOUND

Home to some of the most spectacular sections of the Appalachian Trail, New England could gain a new interstate hiking trail that is closer to the region's population centers. U.S. Representative John Olver of Amherst filed a bill this month to create a New England National Scenic Trail that could one day stretch from Mount Monadnock in New Hampshire to the Long Island Sound at Guilford, CT.

For 190 miles of the 220-mile distance, the trail would roughly follow the route through the Connecticut River Valley of the existing Monadnock, Metacomet, and Mattabesett trail system in Massachusetts and Connecticut. The principal addition would be a 14-mile spur from the southern end of the Mattabesett in Connecticut to the shoreline in Guilford.

The state of New Hampshire chose not to join Connecticut, Massachusetts, and the U.S. Department of the Interior in the feasibility study for the new trail, but Olver's bill would encourage Interior to work with New Hampshire and private and public organizations in that state to include the stretch from Royalton, Mass., to Monadnock's 3,165-foot summit in the national scenic trail. Nationwide, there are already eight such trails, including the Appalachian and the Pacific Crest.

Within 10 miles of the new trail live 2 million people. Many already use—and do maintenance work on—the existing stretches. At a time when young people, in particular, need more recreational opportunities to ward off the health problems of obesity, the national scenic trail designation should increase the path's popularity. It should also help protect it from development pressures. Much of the trail is on state forest or park lands near the river valley's farms, forests, tobacco barns, and towns.

Monadnock itself has 40 miles of maintained foot trails and is considered to be the second-most-frequently hiked summit in the world, after Japan's Mount Fuji. Three of the Massachusetts peaks on the new trail include Mount Grace, Mount Holyoke, and Mount Tom. The new trail includes a wide range of natural habitats and is close to more than 50 registered village historic districts. Hikers could pass over volcanic, sedimentary, and glacial rock and observe fossils and dinosaur footprints.

The goal of planners is that the scenic trail will have a single trail blazing system, but with few through hikers, since overnight camping would be permitted in only a limited number of locations. Of course, decades ago planners of the Appalachian Trail did not envision through hikers for its 2,175-mile length, either. Congress should designate the path as a new national scenic trail and let the walking public decide how best to use it.

THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS,

Boston, MA, January 28, 2008.

Hon. RAUL GRIJALVA,
Chairman, Subcommittee on Natural Parks, Forests, and Public Lands, Committee on Natural Resources, Washington, DC.

Hon. ROB BISHOP
Ranking Member, Subcommittee on Natural Parks, Forests, and Public Lands, Committee on Natural Resources, Washington, DC.

DEAR CHAIRMAN GRIJALVA AND RANKING MEMBER BISHOP: On behalf of the Commonwealth of Massachusetts, I write to ask for your support of H.R. 1528, the New England Scenic Trail Designation Act, which would designate the Metacomet Monadnock Mattabesett (MMM) Trail System as a National Scenic Trail.

Under H.R. 1528, the newly established New England National Scenic Trail would extend approximately 220 miles, from northern Massachusetts through Connecticut, incorporating most of the MMM Trail System and hosting an array of classic New England scenic landscapes and historic sites. In Massachusetts, the MMM Trail is one of our most significant and threatened long-distance trails and greenways, linking and connecting vital state parks and other public lands and landscapes."

By designating the MMM Trail System a National Scenic Trail, the National Park Service would provide important leadership and support to the public and private landowners who host the trail and the dedicated volunteers who sustain it. Importantly, the bill represents the culmination of years of outreach and discussion with local landowners and other interested parties, with all owners afforded the opportunity to have the trail rerouted at their request.

In designating the MMM Trail a National Scenic Trail, Congress would be providing a significant boost to local efforts to further the trail's long-term viability, and a great service to the hundreds taking advantage of this wonderful resource. I urge your support for this important effort.

Sincerely,

IAN BOWLES.

□ 1730

It's my hope that H.R. 1528 will establish permanent protection for this unique and majestic land and ensure that future generations will be able to enjoy a great national treasure.

Mr. BISHOP of Utah. Mr. Chairman, I yield 2½ minutes to the gentleman from Connecticut (Mr. SHAYS), one of the cosponsors of the bill. Hopefully by the end of this day we can accept some amendments that would make all of us happy with this particular bill.

Mr. SHAYS. Mr. Chairman, I rise candidly as the only Republican in all of New England to support H.R. 1528, the New England Scenic Trail Designation Act, and thank Congressman OLVER for bringing this legislation to the floor.

H.R. 1528 would designate portions of the existing Metacomet-Monadnock-Mattabesett Trail System for a national and scenic trail. For over 50 years the States of Massachusetts and my home State of Connecticut have partnered with the Appalachian Mountain Club and the Connecticut Forest and Park Association to manage these

beautiful trails and footpaths. Volunteers and private landowners have enjoyed these lands and maintained them. This legislation would not change that relationship.

This bill also protects private landowners by prohibiting the National Park Service from taking any land by eminent domain. The park service has no authority on local zoning issues that might affect national scenic trails.

H.R. 1528 provides the resources and knowledge of the National Park Service and the National Scenic Trail System for the long-term upkeep of this important trail and extends Federal recognition to trails that have existed for over half a century.

My colleagues in the West often criticize those of us from the East for wanting to increase public lands at the expense of private ownership. This does not do that.

In Connecticut, more than 2 million people live within 10 miles of the trail system. Among the pressures of industrialization that we see in the East, H.R. 1528 is an opportunity to protect this precious resource for future generations and protect it for all of those in this country, not just those nearby.

I ask my colleagues to support protection of this regional treasure, and I urge a "yes" vote on H.R. 1528.

Mr. GRIJALVA. Mr. Chairman, at this time I yield 2 minutes to the distinguished gentleman from Connecticut (Mr. LARSON).

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Chairman, I thank the gentleman from Arizona for his leadership, and I rise in strong support of this legislation.

But I especially want to commend Congressman OLVER for his dedication and hard work. I think most people in this Chamber recognize JOHN OLVER as somewhat of an academician and someone who certainly knows the workings of the Appropriations Committee, but few probably know that he's an avid hiker. And next to Henry David Thoreau, from Massachusetts, probably is as close and akin to nature as anyone in the United States Congress. And so this is something that he has worked on a long period of time, at least since I've been in the United States Congress, and I want to commend him for his hard work, and especially commend CHRIS MURPHY from Connecticut as well for his work in this district.

I'm proud to say that this trail runs all the way through from Massachusetts to the Sound, and the Governor of the State of Connecticut has fully endorsed this matter, and it impacts the communities in my district of East Granby, Bloomfield, West Hartford, Southington, Berlin, Middletown. More than 2 million people, as you've heard other members come to the floor and enumerate, are going to be fortunate enough to share the values that we derive from going out and hiking and

being able to be part of this unbelievable MMM Trail that will be provided for our constituents and citizens. So I stand in strong support of this bill and thank Mr. OLVER again, and again, kudos to CHRIS MURPHY for his hard work making sure that this came to the floor.

Mr. BISHOP of Utah. Mr. Chairman, I wish to address one last element of this particular bill. As I've said, it is my hope that with some of the amendments that can be passed or added, some modification, this can be a very, very good bipartisan bill.

There is one concern I have that I want to specifically address, and it's been talked around the edges by everyone, but it is the concept of eminent domain. I have said before, in the original remarks, that oftentimes as a government we do things not intending to actually harm people, but that's the net result. And unless we are crystal clear on the language that what we intend to do is what will happen, that sometimes, down the road, tends to be the net result, and I want to try to avoid this in this particular trail situation.

The National Park Service is unique in that it does have condemnation power. This is an amendment to the National Trails System Act. The condemnation power within that act is not modified in any way. The language is there. It stays. It's not terminated. It's not finished in some particular way.

It is the intent, I assume, and I believe of the sponsor of this legislation, that condemnation would not be used on any of the private lands within this trails system. I think he's very sincere and legitimate in that. That is our effort as well. But the text of the bill, the amendment to the total act, is not crystal clear as to that point.

What they have tried to do in the text of this bill is say that land, if it's going to be taken over by the park service, would have to come from willing sellers. That is an effort to try and stop the Federal Government from using the condemnation power to take over land.

The problem is, though, is the definition of "willing seller" sometimes gets murky as time goes on, and what is specifically not allowed in the bill, or not solved, not clearly stated in the bill is what I call the loophole. It's that even though the Federal Government would have to buy from only willing sellers, State and local governments would not. State and local governments could condemn the property, and then they could become the willing seller. And as the act encourages the National Park Service to accept or acquire property, that is a way around the concept of what we're talking about. And I don't think that's what the sponsor intended. I'm not trying to put words in his mouth. Clearly, by the testimony in front of the committee, I don't think that's what he intended. I don't think that's what the committee intended to see happen. I know that is

what we fear, and I know we do not want that to be the concept taking place. What we need is very succinct and crystal clear language that said that no land will be accepted by the Federal Government if any of it was taken by the concept of eminent domain. So whether the Federal Government tries to use eminent domain or whether the State and local government uses eminent domain and then the State becomes the willing seller to give it to the Federal Government, that will not be a way our citizens will be treated in this trails system. That language is important to me. I think it's important to our side. That is what I talked about in the protection of the little guy who may not even know this is going to be imposed upon him. In this post-Kelo decision world, those kinds of concepts become important. If this issue was to be solved, it would be one of the things that I think would solve any other kind of acrimonious debate that would go forward. A couple of issues. This is one of the key ones. It's one of the important ones. And I bring that up because I know the language was put in there to prohibit the Federal Government from using eminent domain, but there is still a loophole, so the Federal Government could end up with land that had been condemned by the second party, which would be the State and the local governments. We should be very crystal clear that we do not wish to do that.

One of the amendments proposed to the Rules Committee said specifically that no land would be taken that had been acquired through eminent domain. That's one of our concepts. That's one of the principles. That's one, I think, of the elements that I think is significant.

Mr. Chairman, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, it's a good piece of legislation, well crafted, well worked. Many of the doomsday scenarios we've heard about condemnation have no relationship to this legislation. I would urge its adoption.

Mr. RAHALL. Mr. Chairman, I rise today in strong support of H.R. 1528, introduced by our friend and colleague, Representative JOHN OLVER.

This is a straightforward bill which would enhance the protection and interpretation of a network of trails that have been in existence for more than 50 years. This trail system is extremely popular and is managed and maintained by an enthusiastic army of volunteers.

The route that would be added to the National Trails System carries hikers through the heart of Massachusetts and Connecticut, past scenic vistas, unique geological formations, dinosaur footprints, and rare plants and animals. The trail provides recreation and relaxation for visitors from near and far, and valued open space for the many communities along the way.

H.R. 1528 has strong, bipartisan support and is important not only to the people of Massachusetts and Connecticut but also to visitors from around the world wishing to experience the beauty of New England on foot.

Given the popularity of the existing trail and the support for a federal designation, it is surprising that anyone would oppose H.R. 1528. In our view, such opposition is based on a misunderstanding of this legislation.

In the first place, the bill is based on a National Park Service study that found no need—let me repeat—no need, for direct Federal trail ownership or direct Federal trail management. The trail will be managed by state and local groups under cooperative agreements with the National Park Service.

Further, the bill itself expressly states, and I quote: "The United States shall not acquire for the trail any land or interest in land without the consent of the owner."

It is perfectly clear that this bill does not threaten property rights. In fact, the trails groups who have managed this trail network for half a century or more have gone out of their way to avoid those conflicts. There is no Federal land involved, and no Federal acquisition anticipated.

I strongly support this bill, and I want to take this opportunity to thank the bill's sponsor, Representative OLVER, for his hard work on the legislation, as well as his nine cosponsors from Connecticut and Massachusetts.

In the end, this is about providing Federal recognition and support to local, non-profit, volunteer organizations who want nothing more than to help people take an enjoyable walk through the woods. I urge my colleagues to support H.R. 1528.

Mr. MARKEY. Mr. Chairman, I rise today in strong support of H.R. 1528, the New England National Scenic Trail Designation Act. This important legislation would amend the National Trails System Act of 1968 to designate a 220-mile long National Scenic Trail through Massachusetts and Connecticut. Designation as a National Scenic Trail will allow this important regional trail system to be supported, maintained, and protected at the highest possible level.

The bulk of this new trail would be comprised of the existing Metacomet-Monadnock-Mattabesett trail system—a 190-mile trail route through 39 communities in Massachusetts and Connecticut. This important regional recreation system has been in existence for more than fifty years and winds its way from the border of Massachusetts and New Hampshire through western Massachusetts and into Connecticut.

Designating this trail system as a National Scenic Trail will ensure that future generations of New Englanders will be able to fully enjoy the tremendous beauty of these trails and take advantage of their many recreational opportunities. Right now, more than 2 million people live within 10 miles of the Metacomet-Monadnock-Mattabesett trail system. As a result, this designation will not only allow millions of people to have access to the trail system but also ensure that it will be properly preserved from the threats and pressures of development and encroachment.

H.R. 1528 requires that the Secretary of the Interior administer the trail consistent with the recommendations of the National Scenic Trail Feasibility Study and Environmental Assessment that was conducted by the Department of the Interior. The legislation also ensures that no land can be incorporated into the trail system without the consent of the landowner, and I am pleased that the Administration has testified in support of this important legislation.

This National Scenic Trail designation would provide for increased cooperation between communities, citizens and the Department of Interior to conserve these special routes and expand the recreational opportunities of this New England treasure. I urge passage of the bill.

Mr. LARSON of Connecticut. Mr. Chairman, as a cosponsor of the New England Scenic Trail Designation Act, I rise in strong support of this very important bill.

Connecticut is proud to be home to part of the Metacomet-Monadnock-Mattabesett Trail System, a beautiful nature trail that runs 190 miles from Massachusetts through Connecticut to the Long Island Sound. First established in 1931, the 700-mile long Blue-Blazed trail network in Connecticut join the Metacomet-Monadnock trail system in Massachusetts, a trail laid in the late 1950s. The trail is a vital part of the natural beauty and recreational activity of the First Congressional District of Connecticut, as well as the other parts of the state and neighboring Massachusetts. This distinctive trail passes through one of the most densely populated parts of the country—2 million people live within 10 miles of the trail.

In 2001, the Connecticut Department of Environmental Protection designated the Metacomet Ridge System—part of the trail system—as an official state greenway. The ridge system contains a “spine” of traprock ridges, providing a habitat for various types of plants and animals. These living things that call the ridge home and add to its beauty are not protected from residential development pressures, and while seventeen towns in Connecticut have signed a compact to work towards protecting the ridge system the trail merits Federal protection.

In December of 2002, the President signed the Metacomet-Monadnock-Mattabesett Trail Study Act into law, which directed the National Park Service to study the trail to determine if the Metacomet-Monadnock-Mattabesett Trail should be included in the National Trail System. In April of 2006, the study recommended its inclusion. This legislation before us today urges the implementation of the study’s recommendations, while protecting land owners. The bill protects the trail system against encroachment by residential growth, but prohibits the government from seizing private land through eminent domain.

Mr. Chairman, designation of the New England Scenic Trail would be an important step towards preserving the 190-mile long trail and its natural and recreational value for years to come. I urge my colleagues to join me in ensuring the environmental preservation of the Metacomet-Monadnock-Mattabesett Trail by supporting the underlying bill.

Mr. GRIJALVA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of the amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 1528

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

SECTION 1. SHORT TITLE.

This Act may be cited as the “New England National Scenic Trail Designation Act”.

SEC. 2. AUTHORIZATION AND ADMINISTRATION.

Section 5(a) of the National Trails System Act (16 U.S.C. 1244(a)) is amended by adding at the end the following:

“() NEW ENGLAND NATIONAL SCENIC TRAIL.—The New England National Scenic Trail, a continuous trail extending approximately 220 miles from the border of New Hampshire in the town of Royalston, Massachusetts to Long Island Sound in the town of Guilford, Connecticut, as generally depicted on the map titled ‘New England National Scenic Trail Proposed Route’, numbered T06–80,000, and dated October 2007. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service. The Secretary of the Interior, in cooperation with Federal, State, tribal, regional, and local agencies, the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other organizations, shall administer the trail consistent with the recommendations of the draft report titled the ‘Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment’, prepared by the National Park Service, and dated Spring 2006. The United States shall not acquire for the trail any land or interest in land without the consent of the owner.”.

SEC. 3. MANAGEMENT.

The Secretary of the Interior (hereafter in this Act referred to as the “Secretary”) shall use the Trail Management Blueprint described in the draft report titled the “Metacomet Monadnock Mattabesett Trail System National Scenic Trail Feasibility Study and Environmental Assessment”, prepared by the National Park Service, and dated Spring 2006, as the framework for management and administration of the New England National Scenic Trail. Additional or more detailed plans for administration, management, protection, access, maintenance, or development of the trail may be developed consistent with the Trail Management Blueprint, and as approved by the Secretary.

SEC. 4. COOPERATIVE AGREEMENTS.

The Secretary is authorized to enter into cooperative agreements with the Commonwealth of Massachusetts (and its political subdivisions), the State of Connecticut (and its political subdivisions), the Appalachian Mountain Club, the Connecticut Forest and Park Association, and other regional, local, and private organizations deemed necessary and desirable to accomplish cooperative trail administrative, management, and protection objectives consistent with the Trail Management Blueprint. An agreement under this section may include provisions for limited financial assistance to encourage participation in the planning, acquisition, protection, operation, development, or maintenance of the trail.

SEC. 5. ADDITIONAL TRAIL SEGMENTS.

Pursuant to section 6 of the National Trails System Act, the Secretary is encouraged to work with the State of New Hampshire and appropriate local and private organizations to include that portion of the Metacomet-Monadnock Trail in New Hampshire (which lies between Royalston, Massachusetts and Jaffrey, New Hampshire) as a component of the New England National Scenic Trail. Inclusion of this segment, as well as other potential side or connecting trails, is contingent upon written application to the Secretary by appropriate State and local jurisdictions and a finding by the Secretary that trail management and administration is consistent with the Trail Management Blueprint.

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–519. Each amendment may be offered only in the order printed in the

report; by a Member designated in the report; shall be considered read; shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment; shall not be subject to an amendment; and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–519.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BISHOP of Utah:

At the end of the bill, add the following new section:

SEC. 6. EFFECTIVE DATE.

This Act shall be effective on the date that the Secretary issues a final National Scenic Trail Feasibility Study and Environmental Assessment for the New England National Scenic Trail.

The CHAIRMAN. Pursuant to House Resolution 940, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, I have every intention of saving the committee some time on this particular amendment. It is, I think, very straightforward.

In the 107th Congress a bill was passed that said there would be a study, a feasibility study based on this project. The gentleman from Massachusetts was the author of that piece of legislation.

Bottom line is the feasibility study has yet to be completed, period. This is simply a concept of regular order. What this says is that this trail will not be slowed down, but it will be enacted once we have gone through the process outlined before, regular order, and the feasibility study is finalized and presented. Then the trail would actually be enacted. It’s an effort to try and maintain the standards and the process that we have established before.

With that, actually, Mr. Chairman, I will yield back the balance of my time.

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, this draft report that I’m holding is entitled The National Scenic Trail Feasibility Study and Environmental Assessment.

Like many products of the Federal Government, it’s lengthy and complicated. But let’s be perfectly clear. We’re not waiting for a separate environmental assessment. It’s all done and it’s all in here.

Even though it's labeled a draft report, the National Park Service doesn't do drafts like a high school assignment does drafts. This is a 75-page bound document, eight full color fold-out maps. It draws on more than 90 sources, from books on dinosaur footprints to books on the pioneers who first set foot on those trails, from scholarly histories of the ancient Earth to histories of the small communities along the trail. This study is done.

In reality, the process of changing the study from a draft into a final report is a bureaucratic one; it is not a substantive one, which makes this amendment dilatory, at best, and not a substantive one.

The draft study was completed in August of 2006. It has been under review at the Department of the Interior for 17 months. The National Park Service tells us that it needs approximately one dozen signatures from various Interior officials in order to be considered final. That's all we're waiting for.

In effect, therefore, the amendment could have us abdicate our authority and responsibility to designate trails and pass that authority over to the Secretary, so that whenever he and the various Deputy Assistant Secretaries at Interior get around to signing off on the study, then the trail would be designated. Such an abdication would not lead to a better study; it would just lead to delay.

It might be different, Mr. Chairman, if my good friend from Utah could point out something that is lacking in this study, if he wanted to wait because he felt the analysis of the affected environment on pages 61 and 62 were not entirely complete, or if he was contending that the book *The Indian Tribes of North America* by John R. Swanton and the Smithsonian Institution Press should not have been relied on in this study.

That is not the case, Mr. Chairman. The work of the study is done. The administration came before the National Parks, Forest and Public Lands Subcommittee in May and testified they do not anticipate any substantive changes to this document and that they support the designation.

Congress has, in this study, more than sufficient documentation to establish this trail. There is no reason to delay this designation. Only if you simply oppose the trail, then that would be the reason for delay.

Mr. Chairman, it's not the role of the Secretary of the Interior to designate trail. It's the role of this Congress, and we should get on with it. I urge a "no" vote on this amendment.

□ 1745

Mr. Chairman, I yield back my time. The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was rejected.

AMENDMENT NO. 2 OFFERED BY MR. BISHOP OF UTAH

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110-519.

Mr. BISHOP of Utah. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. BISHOP of Utah:

Page 3, line 6, insert "(a) IN GENERAL.—" before "The Secretary".

Page 3, after line 17, insert the following:

(b) APPLICATION OF CERTAIN STATE AND LOCAL LAWS.—Notwithstanding subsection (a), all designated and future designated lands within the New England National Scenic Trail, including all Federal lands, shall be exclusively governed by relevant State and local laws regarding hunting, fishing, and the possession or use of a weapon (including concealed weapons), trap, or net.

The CHAIRMAN. Pursuant to House Resolution 940, the gentleman from Utah (Mr. BISHOP) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Utah.

Mr. BISHOP of Utah. Mr. Chairman, this particular amendment is one of the key concerns that we do have with this bill, that if it were solved would go a long way to satisfying our concerns with this particular bill.

It is one of the unique concepts that a power has been given to the National Park Service that is not given to the Bureau of Land Management or to the National Forest Service to regulate gun laws and hunting laws within their jurisdiction, even if it violates something that the local government in that jurisdiction would like to imply, something that happens to be different.

This trail, as we said, has been around for over 70 years, very efficiently and very effectively on private and state lands. And the argument that we made is that there is no reason that you should deny Park Service authority to curtail these activities because they're not going to get these activities or they're not going to get control of the land.

The problem is that there is a unique history on this trail of voluntary cooperation. That is not necessarily the same thing that takes place once the Federal Government takes ownership or the Federal Government takes administrative control of this particular trail.

The Park Service does have the authority to change the rules of local government. This is the language that's given in the bill. It is not modified by this particular act. Even though the intent may not be as we have heard to have the Federal Government take over property in this land, it is the intent of the management plan that is there.

If you look at the management plan, it talks about a blueprint for recommendations to utilize restrictive zoning, height restrictions, land acquisition easements, et cetera, et cetera, going through all sorts of other concepts.

This simply means this: this legislation authorizes and encourages the

Federal Government, the Park Service, to gain land in the future in this trail system. Once the Park Service has gained control of that land, then Park Service rules and regulations which limit and restrict hunting rights and gun rights would take precedence over it.

There is also a unique concern that none of us really know the answer to. If the National Park Service is the administrator of these lands, do they actually have the ability of imposing the rules and regulations on these lands, whether they own it or not, which is something that today we may know the answer, but you cannot predict what will happen in the future with some legislator, some judge, some administrator somewhere along the line; and as I said very early in a concept of this particular bill, often times the Federal Government does things, and we don't intend to hurt people but we end up hurting people.

What this amendment clearly says is that along this trail we will protect what has historically been done for the last 70 years. But whether the Federal Government, the Park Service, in particular, has administrative control or whether they access and acquire land in the future, that local ordinances will take precedence, that local ordinance on hunting rights, on gun rights, on fishing rights, will be what will take precedence in this particular situation.

This to us is important. We want it to be crystal clear. But what I think everyone intends in this trail is in reality what happens both now and in the future.

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

Mr. GRIJALVA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Mr. Chairman, let me just say that this amendment is completely unnecessary. The trail crosses State land that is State-owned, local, and the property of willing private landowners. That's all. State and local hunting and fishing laws clearly govern all of these lands.

What's more, this amendment refers to "all designated and future designated land within the New England National Scenic Trail, including all Federal lands."

Mr. Chairman, once again, there are no Federal lands involved here.

So in addition to being unnecessary, the amendment is drafted and applies to land that does not exist.

Secondly, we are perplexed as to why we would single out State and local laws on hunting and fishing and the possession or use of a weapon, trap, or net. Why would we state that these laws, which, as I have already said, obviously apply to the lands along the trail, why would we state that these laws apply but not mention other equally applicable State and local laws.

The amendment could legitimately cause someone to wonder, because we mention only these activities, are other State and local laws somehow rendered inactive by this bill?

A Federal trail designation does not preempt State and local laws. But this amendment might make some believe that it does.

This amendment is not intended to solve what I believe is a real problem. It's, rather, an attempt to inject a made-up issue into a simple, straightforward trail designation. In the end, this amendment really only confuses the issue.

Having said that, however, if the language makes Mr. BISHOP comfortable enough to support this legislation, we are willing to consider it. We do not believe that it is needed or really even helpful. It will burden the bill, despite its redundancy, only slightly; and in the spirit of bipartisanship, we accept Mr. BISHOP's language.

Mr. Chairman, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Utah (Mr. BISHOP).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. LORETTA SANCHEZ) having assumed the chair, Mr. LYNCH, 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. 1528) to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes, pursuant to House Resolution 940, 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.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, 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, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. BISHOP OF UTAH

Mr. BISHOP of Utah. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. BISHOP of Utah. Unfortunately, without this, yes.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Bishop of Utah moves to recommit the bill H.R. 1528 to the Committee on Natural Resources with instructions to report the same back to the House forthwith with the following amendment:

Page 3, line 4, strike "owner." and insert "owner. The Secretary may not use eminent domain to acquire land for the trail and may not accept any land that was acquired through the use of eminent domain for inclusion in the trail."

The SPEAKER pro tempore. The gentleman from Utah is recognized for 5 minutes.

Mr. BISHOP of Utah. Madam Speaker, as we said at the very beginning of the discussion of this entire bill, there are some amendments that are made in an effort to slow down a bill or stop it from coming to passage. This is not one of those. That is why you will notice very carefully the verbiage here is "forthwith." We want to try and fix the bill so it can go on with its process, not send it back to committee.

What I have in front of me here is the poster of the language that you find in the Trail Act itself. What we are debating is not the Trail Act. It's simply an amendment to the Trail Act, and in the act itself it says the appropriate Secretary may utilize condemnation to acquire private property without the consent of the owner.

That is the language about which we object. It would be nice if at some time we could actually go in and attack this language and perhaps solve the problem once and for all forever. But as the time is right now, this condemnation power is still in the act. It's still in the bill. It's still in the act. It is still out there as a potential and a possibility. We do not believe that the sponsor ever intended this to be the way of things.

But the bottom line is the National Park Service still has the ability of condemning. The Federal Government still has the ability of condemning. As we said before, the committee, the sponsor, tried to solve that problem by saying land will only be taken from a willing seller. That may deal, hopefully, with the Federal Government aspect, but the Federal Government has to take the land from a willing dealer, but it also leaves a loophole for some other entity to do condemnation powers. The State or local government could still condemn property, and then they would become the willing seller who could offer this land to the Federal Government.

Please remember, the Federal Government is empowered in this act and bill to acquire property. They are encouraged to acquire property coming from a willing seller. I don't have a problem with that, if the willing seller is truly a willing seller.

And so the motion to recommit tries to cover every potential in the future, with once again the concept being that you want to make sure that individuals will always be protected in every cir-

cumstance in the future, many of which we cannot predict. It would be nice if everyone was simply wonderful and courteous, but that's not the way the real world is. We have to make predictions and plans for the future to protect individuals.

This bill says the Federal Government may not acquire land from anything other than a willing seller, but it also says they cannot accept land that has been condemned, regardless of whether it comes from a willing seller. It prohibits State and local governments from doing an end-run from the purpose of this act and protects private property.

We told you before that one person was able to come here and say I don't want my property part of this bill because she had the financial resources and the time to come down here to Washington to lobby. She's exempt. That's right, it's fair. It's the right thing to do. The committee should be commended for that.

The question is, are there others in like circumstances? And in the committee testimony there are. What we just put in by unanimous consent, there are, and that is the concern. Our concern has to be for the little guy whose home, whose property, whose heritage, whose farm may be put in danger by an overzealous local government that uses condemnation power to try and expand the scope of this particular trail.

□ 1800

It is possible. And the language should be crystal clear that that may not be what we do. That may not be our concept.

If only one individual is harmed by this act because we do not close every potential loophole, that is one individual too many. Our goal should be, and must be, to ensure that wherever a possibility of a loophole exists, we will close that loophole, and that we will make sure that every potential to save somebody's property will be there, and that no opportunity to do a laundering of land and make an end run around the purposes and goals of this bill will be there.

The language in the motion to commit is crystal clear, that no land may be taken by any level of government for any reason to be used in this trail. In our post-Kelo world, it is important that we make sure that every word in this bill make sense; it is clear, it is precise, it is our goal, it is our purpose. That's what this does. It solves this problem. And it solves it in a way that makes this a very, very good bill. Without it, it's a huge loophole that could be used to harm people in the future. We can never do that.

Madam Speaker, whatever time I don't have, I yield back.

Mr. GRIJALVA. Madam Speaker, I rise in opposition to the motion to recommit.

The SPEAKER pro tempore. The gentleman from Arizona is recognized for 5 minutes.

Mr. GRIJALVA. Madam Speaker, we accepted a motion on hunting and fishing that was consistent with State laws because that seemed to be the most pressing issue in the discussion and debate over this legislation. Now we have a motion to recommit that tries to solve a problem already dealt with which is easily and simply dealt with with the underlying legislation.

The bill specifically prohibits condemnation, so there is no legitimate concern regarding private property rights. There is no legitimate reason to say the same thing over and over again. But now we're in a whole other realm. We're in a conspiracy theory, Federal bogeyman kind of discussion where proponents of the bill say, Well, sure, you have stopped Federal condemnation, but what about our doomsday scenario where the Feds and a State or a locality team up in some secret plan to have the State condemn the land and then give it to the Feds. We better stop that scenario as well.

The point of the matter is that this motion is about usurping local control and, indeed, giving it to the Federal Government. I want to say enough is enough. At what point have we gone far enough to deal with any legitimate problem?

Supporters of this amendment and the motion see condemnation under every rock and around every corner, and there could never be enough language in this bill or any other bill to satisfy them.

Even worse, proponents of this language know full well that neither this motion nor anything else we do here in Congress can stop States from exercising their condemnation authority. Here we have a motion that is both completely unnecessary and completely ineffective. There is no condemnation under this bill. Proponents of this motion need to move on.

I urge defeat of the motion to recommit.

Madam Speaker, I yield to the gentleman from Massachusetts (Mr. OLVER).

Mr. OLVER. I thank the gentleman for yielding.

I guess I thought that the problem was that the devil was the Federal Government here and that we wanted to make certain that there was no way for them to issue eminent domain, and the language of this bill, in relation to this trail, is quite clear on that point. In fact, it would appear that now we're trying to solve a problem which isn't there, which just is an order of magnitude somewhere farther away in concept, that somehow the local communities or the State is going to issue eminent domain and then pass the land to the Federal Government in some sort of manner. That really surprises me as there is nothing in the intent of this anywhere along the way to do such a thing.

I think we have solved the problem as much as it needs to be solved with the language which is in the bill, that

there can be no Federal acquisition of land here. Nobody wants Federal acquisition of land. There might well be community acquisition of a corridor somewhere along the way over time, but there is to be no Federal ownership of any of that land.

I hope the matter will be opposed and we will not adopt this amendment. This is finding a solution where there is no problem.

Mr. GRIJALVA. Madam Speaker, I urge a "no" vote on the motion to recommit.

Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. BISHOP of Utah. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 183, nays 205, not voting 42, as follows:

[Roll No. 27]

YEAS—183

Aderholt	Crenshaw	Johnson (IL)
Akin	Cubin	Johnson, Sam
Alexander	Culberson	Jones (NC)
Altmire	Davis (KY)	Jordan
Arcuri	Davis, David	King (IA)
Bachmann	Dent	King (NY)
Bachus	Doolittle	Kingston
Barrett (SC)	Drake	Kirk
Barrow	Dreier	Kline (MN)
Bartlett (MD)	Duncan	Knollenberg
Barton (TX)	Ehlers	Kuhl (NY)
Berkley	Emerson	LaHood
Biggert	English (PA)	Lamborn
Bilbray	Ferguson	Lampson
Bilirakis	Flake	Latham
Bishop (UT)	Forbes	Latta
Blackburn	Fossella	Lewis (CA)
Blunt	Fox	Linder
Boehner	Franks (AZ)	LoBiondo
Bonner	Frelinghuysen	Lucas
Bono Mack	Gallegly	Lungren, Daniel
Boozman	Garrett (NJ)	E.
Boustany	Gerlach	Mack
Brady (TX)	Gingrey	Manzullo
Broun (GA)	Gohmert	Marshall
Brown (SC)	Goode	McCarthy (CA)
Brown-Waite,	Goodlatte	McCaul (TX)
Ginny	Granger	McCotter
Buchanan	Graves	McHenry
Burgess	Green, Gene	McHugh
Burton (IN)	Hall (NY)	McIntyre
Buyer	Hall (TX)	McKeon
Camp (MI)	Hayes	McMorris
Campbell (CA)	Heller	Rodgers
Cannon	Hensarling	Mica
Cantor	Herger	Miller (FL)
Capito	Herseth Sandlin	Miller (MI)
Carney	Hobson	Moran (KS)
Castle	Hoekstra	Murphy, Tim
Chabot	Hulshof	Musgrave
Coble	Hunter	Myrick
Cole (OK)	Inglis (SC)	Neugebauer
Conaway	Issa	Nunes

Paul	Rogers (MI)	Sullivan
Pearce	Rohrabacher	Tancredo
Pence	Ros-Lehtinen	Terry
Peterson (PA)	Roskam	Thornberry
Petri	Royce	Tiahrt
Pickering	Ryan (WI)	Turner
Pitts	Sali	Upton
Platts	Schmidt	Walberg
Poe	Sensenbrenner	Walden (OR)
Porter	Sessions	Walsh (NY)
Price (GA)	Shadegg	Wamp
Ramstad	Shays	Weldon (FL)
Regula	Shimkus	Weller
Rehberg	Shuster	Whitfield (KY)
Reichert	Smith (NE)	Wilson (SC)
Renzi	Smith (NJ)	Wittman (VA)
Reynolds	Smith (TX)	Wolf
Rogers (AL)	Souder	Young (AK)
Rogers (KY)	Stearns	Young (FL)

NAYS—205

Abercrombie	Harman	Ortiz
Ackerman	Higgins	Pallone
Allen	Hill	Pascarell
Baca	Hinchey	Pastor
Baird	Hinojosa	Payne
Baldwin	Hirono	Perlmutter
Bean	Hodes	Peterson (MN)
Becerra	Holden	Pomeroy
Berman	Holt	Price (NC)
Bishop (GA)	Honda	Rahall
Bishop (NY)	Hooley	Rangel
Blumenauer	Hoyer	Reyes
Boren	Inslie	Richardson
Boswell	Israel	Rodriguez
Boyd (FL)	Jackson (IL)	Ross
Boyd (KS)	Jackson-Lee	Rothman
Brady (PA)	(TX)	Royal-Ballard
Braley (IA)	Jefferson	Ruppersberger
Brown, Corrine	Johnson (GA)	Rush
Butterfield	Johnson, E. B.	Ryan (OH)
Capps	Kagen	Salazar
Capuano	Kanjorski	Sánchez, Linda
Cardoza	Kaptur	T.
Carnahan	Kennedy	Sanchez, Loretta
Castor	Kildee	Sarbanes
Chandler	Kilpatrick	Schakowsky
Clarke	Kind	Schiff
Clay	Klein (FL)	Schwartz
Cleaver	Kucinich	Scott (GA)
Clyburn	Langevin	Scott (VA)
Cohen	Larsen (WA)	Serrano
Conyers	Larson (CT)	Sestak
Cooper	Lee	Shea-Porter
Costa	Levin	Sherman
Costello	Lewis (GA)	Shuler
Courtney	Loeb sack	Sires
Cramer	Lofgren, Zoe	Skelton
Crowley	Lowey	Smith (WA)
Cuellar	Lynch	Snyder
Cummings	Mahoney (FL)	Solis
Davis (AL)	Maloney (NY)	Space
Davis (CA)	Markey	Spratt
Davis (IL)	Matheson	Stark
Davis, Lincoln	Matsui	Stupak
DeGette	McCarthy (NY)	Sutton
Delahunt	McDermott	Tanner
DeLauro	McGovern	Tauscher
Dicks	McNerney	Taylor
Dingell	McNulty	Thompson (CA)
Doggett	Meek (FL)	Thompson (MS)
Donnelly	Meeks (NY)	Tierney
Edwards	Melancon	Towns
Ellison	Michaud	Tsongas
Ellsworth	Miller (NC)	Udall (NM)
Emanuel	Miller, George	Van Hollen
Engel	Mitchell	Velázquez
Eshoo	Mollohan	Visclosky
Etheridge	Moore (KS)	Walz (MN)
Farr	Moore (WI)	Waters
Fattah	Moran (VA)	Watson
Frank (MA)	Murphy (CT)	Watt
Giffords	Murphy, Patrick	Waxman
Gillibrand	Murtha	Weiner
Gonzalez	Nadler	Welch (VT)
Gordon	Napolitano	Wexler
Green, Al	Neal (MA)	Wilson (OH)
Grijalva	Oberstar	Woolsey
Gutierrez	Obey	Wu
Hare	Olver	Yarmuth

NOT VOTING—42

Andrews	Deal (GA)	Feeney
Baker	DeFazio	Filner
Berry	Diaz-Balart, L.	Fortenberry
Boucher	Diaz-Balart, M.	Gilchrest
Calvert	Doyle	Hastings (FL)
Carter	Everett	Hastings (WA)
Davis, Tom	Fallin	Jones (OH)

Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery

Miller, Gary
Pryce (OH)
Putnam
Radanovich
Saxton
Simpson
Slaughter
Tiberi

Udall (CO)
Wasserman
Schultz
Westmoreland
Wilson (NM)
Wynn

Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
LaHood
Lampson
Langevin
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
LoBiondo
Loeb sack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)

Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Regula
Reichert
Reyes
Richardson
Rogers (MI)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sanchez, Linda
T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Shays

Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tierney
Towns
Tsongas
Turner
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield (KY)
Wilson (OH)
Wittman (VA)
Wolf
Woolsey
Wu
Yarmuth

DeFazio
Diaz-Balart, L.
Diaz-Balart, M.
Doyle
Everett
Fallin
Feeney
Filner
Fortenberry
Gilchrest
Gillibrand
Hastings (FL)
Hastings (WA)

Jones (OH)
Keller
Lantos
LaTourette
Lewis (KY)
Lipinski
Marchant
McCollum (MN)
McCrery
Miller, Gary
Pryce (OH)
Putnam
Radanovich

Rodriguez
Ros-Lehtinen
Saxton
Sestak
Simpson
Tiberi
Udall (CO)
Wasserman
Schultz
Weldon (FL)
Westmoreland
Wilson (NM)
Wynn

□ 1829

Ms. HOOLEY, Ms. MOORE of Wisconsin, and Messrs. JACKSON of Illinois, MICHAUD, MAHONEY of Florida, BRALEY of Iowa, KENNEDY, MEEK of Florida, CARDOZA and OBERSTAR changed their vote from “yea” to “nay.”

Messrs. MILLER of Florida, MORAN of Kansas, ALTMIRE and WALSH of New York changed their vote from “nay” to “yea.”

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FILNER. Madam Speaker, on rollcall No. 27, I was away due to a family emergency. Had I been present, I would have voted “nay.”

Ms. SLAUGHTER. Madam Speaker, on rollcall No. 27, had I been present, I would have voted “nay.”

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GRIJALVA. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 261, noes 122, not voting 47, as follows:

[Roll No. 28]

AYES—261

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Bishop (GA)
Bishop (NY)
Blumenauer
Blunt
Boozman
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown, Corrine
Buchanan
Butterfield
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay

Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Frank (MA)
Frelinghuysen

Gallegly
Gerlach
Giffords
Gonzalez
Gordon
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Herseth Sandlin
Higgins
Hill
Hinchev
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inglis (SC)
Inslie
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Kagen
Kanjorski

Aderholt
Akin
Alexander
Bachmann
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Boehner
Bonner
Bono Mack
Boustany
Broun (GA)
Brown (SC)
Brown-Waite,
Ginny
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Cannon
Capito
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Doolittle
Drake
Dreier
Duncan
Emerson

NOES—122

Flake
Forbes
Fossella
Fox
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Hunter
Issa
Johnson, Sam
Jones (NC)
Jordan
King (IA)
Kingston
Kline (MN)
Kuhl (NY)
Lamborn
Latta
Lewis (CA)
Linder
Lungren, Daniel
E.
Mack
Manullo
McCarthy (CA)
McCaul (TX)
McCotter
McHenry
McHugh
McKeon

McMorris
Rodgers
Mica
Miller (FL)
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Petri
Poe
Porter
Price (GA)
Rehberg
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Sensenbrenner
Shadegg
Shimkus
Shuster
Smith (NE)
Souder
Stearns
Sullivan
Tancredo
Thornberry
Walberg
Walden (OR)
Wamp
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—47

Andrews
Baker
Berry
Boyd (KS)
Calvert
Cardoza
Carter
Davis, Tom
Deal (GA)

□ 1837

Mr. RAMSTAD changed his vote from “no” to “aye.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FILNER. Madam Speaker, on rollcall No. 28, I was away due to a family emergency. Had I been present, I would have voted “aye.”

Mr. RODRIGUEZ. Madam Speaker, because I was unavoidably detained, I was unable to cast a vote on rollcall 28. Had I been present, I would have voted “aye” on Final Passage of H.R. 1528.

PERSONAL EXPLANATION

Mrs. JONES of Ohio. Madam Speaker, due to events scheduled in my district, I will miss votes on January 29, 2008. Please let the RECORD reflect that had I been present, my vote would have reflected the following:

H.R. 5140 Recovery Rebates and Economic Stimulus for the American People Act of 2008—“yea.”

H.R. 1528 New England National Scenic Trail Designation Act—“aye.”

H.R. 933 Commending the Louisiana State University Tigers Football Team—“yea.”

LEGISLATIVE PROGRAM

(Mr. BLUNT asked and was given permission to address the House for 1 minute.)

Mr. BLUNT. Mr. Speaker, I would yield to my friend from Maryland, the majority leader, for information about the schedule.

Mr. HOYER. I thank the gentleman for yielding.

The schedule for the week of February 4 is attenuated, to some degree obviously, by the 22 States that have a primary on February 5. Both Democrats and Republicans obviously will be involved in those to one degree or another. Monday and Tuesday the House is not, therefore, in session.

On Wednesday, the House will meet at 2 p.m. for legislative business. Votes will be postponed until 6:30 p.m. On Thursday and Friday, the House will meet at 10 a.m. We will consider several bills under suspension of the rules. A list of those bills will be announced by the close of business this week. In addition, we will consider H.R. 4137, the College Opportunity and Affordability Act.

That is the schedule. Of course, I will tell my friend that we obviously have a couple of bills that we passed today