

Good Friday Agreement and mandated by the people of Ireland. As the first anniversary of the agreement approaches, all sides have the opportunity, if not the obligation, to make real progress toward its implementation. The paramilitary factions must be demobilized and disbanded immediately if there is to be a genuine and lasting peace. All parties to the process must now rely on the increased dialogue and the new, conciliatory tone of the talks to transform any future disagreements from violent altercations into intelligent debate and then, hopefully, lasting harmony. A harmony that will one day remove the ubiquitous and pernicious words "The Troubles" from the vernacular of a generation of Irish, both in their homeland and in America.

LANDOWNERS EQUAL TREATMENT
ACT OF 1999

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. YOUNG of Alaska. Mr. Speaker, today Congressman TAUZIN, Congressman POMBO and I, joined by more than 20 cosponsors, are introducing the Landowners Equal Treatment Act of 1999. The purpose of this bill is to insure that private property owners are compensated when their land must be used by the federal government as habitat for endangered or threatened species. The United States Constitution in the 5th Amendment states "nor shall private property be taken for public use, without just compensation." The Supreme Court has said that the right to be compensated for the taking of private property for a public use is a fundamental constitutional right on the same level as the right to free speech and free exercise of religion.

There are some in our country who no longer revere or respect the rights of private property owners. Their view is that using land for wildlife habitat is more important than protecting the right to own and control the use of private property. However, the purpose of our bill of rights is prevent the current whims of the majority from infringing on the rights of each individual in our country to certain liberties and freedoms guaranteed in our constitution. One of the most important of these is the full rights of ownership of private property, which includes the right to use and enjoy the fruits of ownership of property.

Over the last several years, bills have been introduced to insure that property owners are protected by requiring compensation when property is taken, to insure that property owners have the right to bring suit to protect their own property rights, and to make property rights lawsuits less cumbersome. Certainly, landowners can file suit for compensation under the Constitution, but as you know these lawsuits are so expensive, time consuming and difficult, that ordinary citizens lose their land or their right to compensation because they cannot afford these lawsuits. Yet, the Clinton administration, has consistently opposed any and all efforts to protect private property rights.

However, the Clinton administration has vigorously sought compensation for impacts on government lands when other public agencies must make use of them. This bill guarantees

that private landowners, who enjoy the protections of the Bill of Rights, receive equal treatment with government agencies, which do not have the protections of the Bill of Rights.

On February 4, 1999 I chaired a hearing on the Minnesota Valley National Wildlife Refuge. During the course of that hearing, we learned of a Federal Aviation Administration statute and regulation, that allowed the Fish and Wildlife Service to receive "compensation" for the lost "use" of refuge lands due to off-site impacts from aircraft overflights. The law requires the Secretary of Transportation to avoid or minimize impacts on public lands when approving construction of federal transportation projects. The Clinton administration is interpreting this law and rule to require that the Transportation Department first avoid impacts, then minimize impacts and if that can't be done to compensate for the impacts. This resulted in the Fish and Wildlife Service receiving an agreement for compensation of more than \$26 million to be paid from revenues of the local airport through charges on airport users.

The way that the Fish and Wildlife Service and the FAA interpret whether they are "using" public lands that requires the payment of compensation is through a definition of "constructive use". According to the FAA "A 'constructive use' can occur when proximity effects, such as noise, adversely affect the normal activity or aesthetic value of an eligible Section 4(f) property—even though there may be no direct physical effect involving construction of transportation facilities.

A "constructive use" can occur where there is no physical presence or invasion of the property, but where the landowner's use is so limited by the imposition of the use by the public for habitat, that for all practical purposes the landowner can no longer use his own lands. Examples of this have occurred on an all too frequent basis. Our committee has heard testimony that the federal government has prevented homebuilders from constructing on their property because it is habitat for marsh rabbits, mice and rats. Farmers have been prevented from farming because of the presence of rats and fairy shrimp. Ranchers are being told to halt cattle grazing because of the presence of rare plants or birds. Schools have been halted due to the use of local lands because it is habitat for pygmy owls. And private timber owners are being told to put timber lands off limits to further uses because of the presence of owls, marbled murrelets, and salmon.

The Clinton administration would argue that it is not a taking of property if only a small part of the property is put aside for habitat because the landowner still has other property they can use. However, in the Minnesota Valley National Wildlife Refuge, the airport noise only affected a small part of the property and yet the full compensation was paid for the impact on the portion of the property that was affected. Landowners ought to receive the same treatment and the same right to be compensated for the use of their property whether it affects the entire parcel or only a portion of the parcel.

The bill that we introduce today will insure that private property owners are compensated on the same basis as the Fish and Wildlife Service. It only deals with the requirement of the Endangered Species Act that habitat of species be protected, even when that habitat

is someone's private property. It would require the same sequencing as is currently applied to public lands—first avoid using private property for public use, if that is not possible, then minimize the impacts and if that is not possible mitigate through compensation. The bill defines what a public use is in the same manner that the FAA has defined it to include a "constructive use". It then lists the types of actions under the ESA that would be within the definition of use or constructive use. These are actions that result in the land being used as habitat by the government to the detriment of the property owner. The landowner would be compensated for any portion of land taken.

The fact is that this bill will help not only private property owners but also our nation's endangered plants and animals. The right way to protect endangered species is through cooperative and voluntary efforts of private property owners. Most private property owners are delighted to provide a home to the nation's wildlife when the rights of the private property owner are respected. However, when the federal government forces landowners through coercion or threats of prosecution to set aside valuable land for nonuse because it is habitat, landowners will have no incentive to protect habitat for wildlife. Protecting private property rights is the right thing to do for people and wildlife.

HISTORIC HOMEOWNERSHIP
ASSISTANCE ACT

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SHAW. Mr. Speaker, all across America, in the small towns and great cities of this country, our heritage as a nation—the physical evidence of our past—is at risk. In virtually every corner of this land, homes in which grandparents and parents grew up, communities and neighborhoods that nurtured vibrant families, schools that were good places to learn and churches and synagogues that were filled on days of prayer, have suffered the ravages of abandonment and decay.

In the decade from 1980 to 1990, Chicago lost 41,000 housing units through abandonment, Philadelphia 10,000, and St. Louis 7,000. The story in our older small communities has been the same, and the trend continues. It is important to understand that it is not just the buildings we are losing. It is the sense of our past, the vitality of our communities and the shared values of those precious places.

We need not stand hopelessly by as passive witnesses to the loss of these irreplaceable historic resources. We can act, and to that end I am introducing today with a bipartisan group of my colleagues the Historic Homeownership Assistance Act.

This legislation is almost identical to legislation introduced in the 105th Congress as H.R. 1134. It is patterned after the existing Historic Rehabilitation Investment Tax Credit. That legislation has been enormously successful in stimulating private investment in the rehabilitation of buildings of historic importance all across the country. Through its use we have been able to save and re-use a rich and diverse array of historic buildings: landmarks

such as Union Station in Washington, D.C.; the Fox Paper Mills, a mixed-used project that was once a derelict in Appleton, WI; and the Rosa True School, an eight-unit low/moderate income rental project in a historic building in Portland, Maine. In my own State of Florida, since 1974, the existing Historic Rehabilitation Investment Tax Credit has resulted in over 325 rehabilitation projects, leveraging more than \$238 million in private investment. These projects range from the restoration of art deco hotels in historic Miami Beach, bringing economic rebirth to this once decaying area, to the development of multifamily housing in the Springfield Historic District in Jacksonville.

The legislation that I am introducing today builds on the familiar structure of the existing tax credit but with a different focus. It is designed to empower the one major constituency that has been barred from using the existing credit—homeowners. Only those persons who rehabilitate or purchase a newly rehabilitated home and occupy it as their principal residence would be entitled to the credit that this legislation would create. There would be no passive losses, no tax shelters, and no syndications under this bill.

Like the existing investment credit, the bill would provide a credit to homeowners equal to 20 percent of the qualified rehabilitation expenditures made on an eligible building that is used as a principal residence by the owner. Eligible buildings would be those that are listed on the National Register of Historic Places, are contributing buildings in National Register Historic Districts or in nationally certified state or local historic districts or are individually listed on a nationally certified state or local register. As is the case with the existing credit, the rehabilitation work would have to be performed in compliance with the Secretary of the Interior's standards for rehabilitation, although the bill would clarify the directive that the standards be interpreted in a manner that takes into consideration economic and technical feasibility.

The bill also makes provision for lower-income home buyers who may not have sufficient federal income tax liability to use a tax credit. It would permit such persons to receive a historic rehabilitation mortgage credit certificate which they can use with their bank to obtain a lower interest rate on their mortgage. The legislation also permits home buyers in distressed areas to use the certificate to lower their down payment.

The credit would be available for condominiums and co-ops, as well as single-family buildings. If a building were to be rehabilitated by a developer for sale to a homeowner, the credit would pass through to the homeowner. Since one purpose of the bill is to provide incentives for middle-income and more affluent families to return to older towns and cities, the bill does not discriminate among taxpayers on the basis of income. It does, however, impose a cap of \$40,000 on the amount of credit which may be taken for a principal residence.

The Historic Homeownership Assistance Act will make ownership of a rehabilitated older home more affordable for homeowners of modest incomes. It will encourage more affluent families to claim a stake in older towns and neighborhoods. It affords fiscally stressed cities and towns a way to put abandoned buildings back on the tax rolls, while strengthening their income and sales tax bases. It offers developers, realtors, and homebuilders a

new realm of economic opportunity in revitalizing decaying buildings.

Mr. Speaker, this bill is no panacea. Although its goals are great, its reach will be modest. But it can make a difference, and an important difference. In communities large and small all across this nation, the American dream of owning one's home is a powerful force. This bill can help it come true for those who are prepared to make a personal commitment to join in the rescue of our priceless heritage. By their actions they can help to revitalize decaying resources of historic importance, create jobs and stimulate economic development, and restore to our older towns and cities a lost sense of purpose and community.

I urge all Members of the House to review and support this important legislation, and I look forward to working with the Ways and Means Committee to enact this bill.

PEACEKEEPING OPERATIONS IN KOSOVO RESOLUTION

SPEECH OF

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 11, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con. Res. 42) regarding the use of United States Armed Forces as part of a NATO peacekeeping operation implementing a Kosovo peace agreement:

Mr. GREEN of Wisconsin. Mr. Chairman, I came to the House floor today ready to use my vote to help Congress play a constructive role in the public debate over authorizing U.S. ground forces to take part in a NATO peacekeeping operation in Kosovo. I want to thank you for scheduling this debate today because I believe it is time for this body to reclaim its rightful role in the formulation of our nation's foreign policy and military affairs.

I certainly did not come to the House floor with a closed mind regarding an active role for the United States in securing a real, lasting peace in this region of the world. I wanted to vote for a responsible resolution that, without micromanaging the actions of our commander-in-chief, established several clear parameters and goals—not only for the deployment of U.S. troops, but also for future U.S. policy in the area.

Let me also say that I am not an isolationist, and recognize that as the world's sole remaining superpower, unique demands may be placed upon our military resources. The type of conflict that is the subject of today's debate is the very type that NATO must be prepared to deal with in modern times. As Serb atrocities and retaliation by Kosovar Albanians escalates, Kosovo's civilian population continues to suffer and the region inches ever closer to a larger conflict that threatens to engulf other sections of southeastern Europe.

But to involve U.S. troops in this operation without laying out clear guidelines and objectives—both for the peacekeeping forces and for future U.S. policy—would serve little purpose other than to place American fighting men and women adrift in harm's way. That is why it is with mixed emotion I must report to my colleagues that I cannot vote for this proposal as it stands today.

For our troops and for our nation, I believe we as policymakers must have the following before we can responsibly deploy ground forces:

1. A guarantee that NATO alone will supervise any Kosovo deployment—without involvement of the United Nations or other organizations that have demonstrated their incapacity to effectively handle similar situations;

2. A guarantee that U.S. troops will serve under U.S. command—not under the command of any foreign power;

3. A report outlining the amount and type of U.S. military personnel and equipment required for the operation, as well as the cost of those resources and the deployment's overall effect on military readiness;

4. A clear mission for our ground forces, explicit rules of engagement, and a realistic military timeline and exit strategy; and

5. Most important, an overall U.S. policy that recognizes Slobodan Milosevic's role as a violent and destabilizing influence for all of south-eastern Europe—a policy aimed squarely and firmly at removing Milosevic from power.

The administration, unfortunately, has failed to make its case before Congress—a Congress that wants to help build a lasting peace, a real peace. There is still time for the Administration to craft a responsible policy. The crisis in Kosovo is not of recent origin. There has been plenty of time to help the American people to understand why America's sons and daughters should travel to this troubled land, to understand what it is they will do, to understand when it is that they will come home to their loved ones.

Thanks to today's robust debate, we have before us a resolution that requires many of the provisions I've previously discussed. In my opinion, however, without addressing the other conditions I've raised, the resolution remains inadequate. Without any indication from the administration that each of these conditions will be met before the deployment of ground troops to Kosovo, I have no choice but to vote "nay" on H. Con. Res. 42.

FREE TRADE ISN'T FREE

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

Mr. SHUSTER. Mr. Speaker, as a cosponsor of H.R. 975, the Bipartisan Steel Recovery Act, and an avid supporter of our American steel industry and its workers I am submitting an opinion piece which I sent to newspapers in my district at the end of January as it relates to current global trade practices and the struggles of the American steel industry.

Today cheap steel imports are flooding the U.S. market, decimating the U.S. steel industry. America's steel workers are being laid off in droves, causing tremendous personal hardship for these workers and their families. Is this just an unfortunate but acceptable consequences of our global economy, or is this a serious problem which illustrates the need for a new socioeconomic paradigm?

I went to Congress a free trader, embracing Ricardo's Theory of Comparative Advantage—a very valid economic theory which states essentially that the industries of each nation should produce that which they produce most