

VETO OF H.R. 2909

MESSAGE

FROM

THE PRESIDENT OF THE UNITED STATES

TRANSMITTING

HIS VETO OF H.R. 2909, ENTITLED THE "SILVIO O. CONTE NATIONAL FISH AND WILDLIFE REFUGE EMINENT DOMAIN PRESERVATION ACT"



OCTOBER 13, 1996.—Veto message and accompanying bill referred to the Committee on Resources and ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE

To the House of Representatives:

I am returning herewith without my approval H.R. 2909, the “Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act.”

This bill would prohibit the use of eminent domain authority for the protection of the public’s fish and wildlife resources at portions of the Silvio O. Conte National Fish and Wildlife Refuge in the States of New Hampshire and Vermont. Because it is unnecessary and would undermine important governmental interests, I cannot support it.

First, the Conte Refuge poses no threat to property owners. Located along the Connecticut River in the States of Connecticut, Massachusetts, New Hampshire, and Vermont, it represents an entirely new kind of national wildlife refuge. Rather than relying on the traditional approach of acquiring large tracts of land, the comprehensive plan for the Conte Refuge provides that only small amounts will come into Federal ownership—a total of only 1,200 acres in New Hampshire and Vermont, along with conservation easements for an additional 760 acres. Instead of Federal land acquisition, the main emphasis for the Refuge will be on restoring the Connecticut River watershed through voluntary partnerships, cooperative agreements, and environmental education. The Fish and Wildlife Service has no intention of using its eminent domain authority.

Second, this bill would undermine a constitutionality bestowed authority of the Federal Government by prohibiting the use of eminent domain for fish and wildlife conservation. The truth is that the Fish and Wildlife Service almost never uses eminent domain for wildlife conservation purposes—on a nationwide basis, since 1989, the U.S. Fish and Wildlife Service has only used its eminent domain power with the consent of the owner to settle price or title differences. Still, eminent domain remains an important tool of last resort, to protect the public’s interest in fish and wildlife resources should unforeseen circumstances arise.

Private property is a fundamental American right and value. But this bill is unnecessary and would erode a constitutional authority that has served the public interest for over 200 years. As stated during debate on this bill in the House of Representatives, H.R. 2909 is a solution in search of a problem.

WILLIAM J. CLINTON,

THE WHITE HOUSE, *October 2, 1996.*

One Hundred Fourth Congress
of the
United States of America

AT THE SECOND SESSION

*Begun and held at the City of Washington on Wednesday,
the third day of January, one thousand nine hundred and ninety-six*

An Act

To amend the Silvio O. Conte National Fish and Wildlife Refuge Act to provide that the Secretary of the Interior may acquire lands for purposes of that Act only by donation or exchange, or otherwise with the consent of the owner of the lands.

*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 “Silvio O. Conte National Fish and Wildlife Refuge Eminent Domain Prevention Act”.

**SEC. 2. RESTRICTION ON METHOD OF ACQUISITION OF LANDS FOR
PURPOSES OF THE SILVIO O. CONTE NATIONAL FISH AND
WILDLIFE REFUGE ACT.**

Section 106 of the Silvio O. Conte National Fish and Wildlife Refuge Act (Public Law 102–212; 16 U.S.C. 668dd note) is amended by adding at the end the following new subsection:

“(e) RESTRICTION ON METHOD OF ACQUISITION.—The Secretary may acquire lands in New Hampshire and Vermont for purposes of this title only by donation or exchange, or otherwise with the consent of the owner of the lands.”.

NEWT GINGRICH,

Speaker of the House of Representatives pro tempore.

STROM THURMOND,

President of the Senate pro tempore.

[Endorsement on back of bill:]

I certify that this Act originated in the House of Representatives.

ROBIN H. CARLE, *Clerk.*