

H.R. 2863

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 "Migratory Bird Treaty Reform Act of 1998".

SEC. 2. ELIMINATING STRICT LIABILITY FOR BAITING.

Section 3 of the Migratory Bird Treaty Act (16 U.S.C. 704) is amended—

(1) by inserting "(a)" after "SEC. 3."; and

(2) by adding at the end the following:

"(b) It shall be unlawful for any person to—
 "(1) take any migratory game bird by the aid of baiting, or on or over any baited area, if the person knows or reasonably should know that the area is a baited area; or

"(2) place or direct the placement of bait on or adjacent to an area for the purpose of causing, inducing, or allowing any person to take or attempt to take any migratory game bird by the aid of baiting on or over the baited area."

The CHAIRMAN. During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute.

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

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DIAZ-BALART) having assumed the chair, Mrs. EMERSON, 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. 2863) to amend the Migratory Bird Treaty Act to clarify restrictions under that Act on baiting, to facilitate acquisition of migratory bird habitat, and for other purposes, pursuant to House Resolution 521, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute 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.

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.

Mr. SAXTON. Mr. 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.

The vote was taken by electronic device, and there were—yeas 322, nays 90, not voting 22, as follows:

[Roll No. 420]

YEAS—322

Ackerman
 Aderholt
 Allen
 Archer
 Arney
 Bachus
 Baesler
 Baker
 Baldacci
 Ballenger
 Barr
 Barrett (NE)
 Bartlett
 Barton
 Bass
 Bateman
 Bentsen
 Bereuter
 Bilbray
 Bilirakis
 Bishop
 Bilely
 Blunt
 Boehlert
 Boehner
 Bonilla
 Bono
 Borski
 Boswell
 Boucher
 Boyd
 Brady (TX)
 Brown (CA)
 Bryant
 Bunning
 Burr
 Burton
 Buyer
 Callahan
 Calvert
 Camp
 Canady
 Cannon
 Capps
 Carson
 Castle
 Chabot
 Chambliss
 Chenoweth
 Christensen
 Clement
 Coble
 Coburn
 Collins
 Combest
 Condit
 Conyers
 Cook
 Cooksey
 Costello
 Cox
 Coyne
 Cramer
 Crane
 Crapo
 Cubin
 Cummings
 Cunningham
 Danner
 Davis (FL)
 Davis (VA)
 Deal
 DeFazio
 DeLay
 Deutsch
 Diaz-Balart
 Dickey

Dicks
 Dingell
 Doggett
 Allen
 Dooley
 Doolittle
 Doyle
 Dreier
 Duncan
 Edwards
 Ehlers
 Ehrlich
 Emerson
 English
 Ensign
 Etheridge
 Everett
 Ewing
 Fawell
 Fazio
 Foley
 Forbes
 Fossella
 Fowler
 Fox
 Franks (NJ)
 Frelinghuysen
 Frost
 Gallegly
 Ganske
 Gejdenson
 Gekas
 Gephardt
 Gibbons
 Gilchrest
 Gillmor
 Gilman
 Goode
 Goodlatte
 Goodling
 Gordon
 Goss
 Graham
 Granger
 Granger
 Green
 Greenwood
 Gutknecht
 Hall (OH)
 Hall (TX)
 Hamilton
 Hansen
 Harman
 Hastert
 Hastings (WA)
 Hayworth
 Hefley
 Herger
 Hill
 Hillery
 Hilliard
 Hinojosa
 Hobson
 Hoekstra
 Holden
 Hooley
 Horn
 Hostettler
 Houghton
 Hoyer
 Hulshof
 Hunter
 Hutchinson
 Hyde
 Inglis
 Istook
 Jefferson
 Jenkins
 John

Pitts
 Pombo
 Pomeroy
 Porter
 Portman
 Price (NC)
 Quinn
 Radanovich
 Rahall
 Ramstad
 Rangel
 Redmond
 Regula
 Reyes
 Riggs
 Riley
 Rodriguez
 Roemer
 Rogan
 Rogers
 Rohrabacher
 Ros-Lehtinen
 Roukema
 Royce
 Ryun
 Salmon
 Sanchez
 Sanders
 Sandlin
 Sanford
 Sawyer

Johnson (WI)
 Johnson, Sam
 Jones
 Kanjorski
 Kaptur
 Kasich
 Kelly
 Kilpatrick
 Kim
 Kind (WI)
 King (NY)
 Kingston
 Kleczka
 Klink
 Klug
 Knollenberg
 Kolbe
 LaHood
 Lampson
 Largent
 Latham
 LaTourette
 Lazio
 Leach
 Levin
 Lewis (CA)
 Lewis (KY)
 Linder
 Lipinski
 Livingston
 LoBiondo
 Luther
 Manton
 Manzullo
 Mascara
 McCarthy (MO)
 McCarthy (NY)
 McCollum
 McCreery
 McDermott
 McHale
 McHugh
 McInnis
 McIntosh
 McIntyre
 McKeon
 Menendez
 Metcalf
 Mica
 Miller (FL)
 Minge
 Mink
 Mollohan
 Moran (KS)
 Murtha
 Myrick
 Nethercutt
 Neumann
 Ney
 Northup
 Norwood
 Nussle
 Obey
 Ortiz
 Oxley
 Packard
 Pappas
 Parker
 Pastor
 Paul
 Pease
 Peterson (MN)
 Peterson (PA)
 Petri
 Pickering
 Pickett

Saxton
 Scarborough
 Schaefer, Dan
 Schaffer, Bob
 Scott
 Sensenbrenner
 Sessions
 Shaw
 Shimkus
 Shuster
 Siskis
 Skaggs
 Skeen
 Skelton
 Smith (MI)
 Smith (NJ)
 Smith (OR)
 Smith (TX)
 Smith, Adam
 Smith, Linda
 Snowbarger
 Snyder
 Solomon
 Souder
 Spence
 Spratt
 Stabenow
 Stearns
 Stenholm
 Strickland
 Stump

Stupak
 Sununu
 Talent
 Tanner
 Taylor (MS)
 Taylor (NC)
 Thomas
 Thompson
 Thornberry
 Thune
 Thurman
 Tiahrt
 Traficant
 Turner
 Upton
 Walsh
 Wamp
 Watkins
 Watts (OK)
 Weldon (FL)
 Weldon (PA)
 Weller
 White
 Whitfield
 Souder
 Wicker
 Wilson
 Wise
 Wolf
 Young (FL)

NAYS—90

Abercrombie
 Andrews
 Barrett (WI)
 Becerra
 Berman
 Blagojevich
 Blumenauer
 Bonior
 Brady (PA)
 Brown (FL)
 Brown (OH)
 Campbell
 Cardin
 Clay
 Clayton
 Clyburn
 Davis (IL)
 DeGette
 Delahunt
 DeLauro
 Dixon
 Eshoo
 Evans
 Farr
 Fattah
 Filner
 Ford
 Frank (MA)
 Gutierrez
 Hastings (FL)
 Hinchey

Jackson (IL)
 Jackson-Lee
 (TX)
 Johnson (CT)
 Johnson, E. B.
 Kennedy (RI)
 Kildee
 Kucinich
 LaFalce
 Lantos
 Lee
 Lewis (GA)
 Lofgren
 Lowey
 Maloney (CT)
 Maloney (NY)
 Markey
 Martinez
 Matsui
 McGovern
 McKinney
 McNulty
 Meehan
 Meek (FL)
 Meeks (NY)
 Millender
 McDonald
 Miller (CA)
 Moran (VA)
 Nadler
 Neal

Oberstar
 Olver
 Owens
 Pallone
 Pascrell
 Payne
 Pelosi
 Rivers
 Rothman
 Roybal-Allard
 Sabo
 Serrano
 Shays
 Sherman
 Slaughter
 Stark
 Tauscher
 Tierney
 Torres
 Velazquez
 Vento
 Visclosky
 Waters
 Watt (NC)
 Waxman
 Waxler
 Weygand
 Woolsey
 Wynn
 Yates

NOT VOTING—22

Barcia
 Berry
 Dunn
 Engel
 Furse
 Gonzalez
 Hefner
 Kennedy (MA)

Kennelly
 McDade
 Moakley
 Morella
 Paxon
 Poshard
 Pryce (OH)
 Rush

□ 1117

Messrs. PASCRELL, SERRANO, ANDREWS, HASTINGS of Florida, SHAYS, MEEHAN, MATSUI, and Ms. DEGETTE changed their vote from "yea" to "nay."

Mr. SCOTT and Ms. SANCHEZ changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. BERRY. Mr. Speaker, on rollcall No. 420, I am unable to be present for voting as

I will be attending to official business in my congressional district.

Had I been present, I would have voted "yes."

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today on roll-call vote 420, I voted "yes." I intended to vote "no."

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2863.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 522, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question

that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

Madam Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Madam Speaker, H. Res. 522 is an open rule providing 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974. The rule makes in order as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considered as read.

The rule further permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

In addition, the rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 5 minutes.

Finally, the rule provides for one motion to recommit, with or without instructions.

Madam Speaker, H.R. 2538 establishes the Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims in New Mexico arising from the Treaty of Guadalupe-Hidalgo of 1848.

In order to be eligible for consideration under this act, petitions by eligible descendants must be filed within 5 years of the bill's enactment.

This legislation was reported by the Committee on Resources by voice vote on May 20, 1998. The Congressional

Budget Office estimates that implementing the bill will cost approximately \$1 million per year over the fiscal year 1999-2003 period. The bill may affect direct spending, so pay-as-you-go procedures will apply. However, CBO estimates that any such effects will total less than \$500,000 per year.

Madam Speaker, this legislation is sponsored by our colleague the gentleman from New Mexico (Mr. REDMOND) representative and was originally introduced by our former colleague, the Honorable Bill Richardson. It is strongly supported by the New Mexico delegation and, accordingly, I encourage my colleagues to support both the rule and H.R. 2538.

Madam Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Madam Speaker, I yield myself such time as I may consume.

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule and urge my colleagues to support it so that all potential improvements to this legislation may be considered.

The underlying bill establishes a presidential commission to make recommendations to resolve land claims in New Mexico by descendants of people who were Mexican citizens when the treaty ending the Mexican-American War was signed in 1848.

The bill also authorizes the establishment of a research center to assist the commission and authorizes \$1 million annually in fiscal year 1999 through fiscal year 2007 for the purpose of carrying out the activities of the commission and the center.

Opponents of the bill argue that it contains numerous flaws and fails to deal with the substantive questions raised by the land claims and opens the door to numerous future land claims. The bill fails to specify exactly which lands in New Mexico are eligible for consideration, since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo.

Furthermore, the treaty covered all or parts of several other Western States. Thus, the bill also opens the door to numerous potential land claims down the road in all of these other States.

The bill contains no legal standards or rules of evidence by which the commission is to judge any claim that is brought forth. As a quasi-judicial body, there are potential conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions.