

HOUSE OF REPRESENTATIVES—Thursday, October 28, 1993

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Lift our thoughts, O God, above the ordinary to see more clearly the beauty of the day; raise our sights, O God, to see the needs of justice and the call to freedom; strengthen our faith, O God, so we can walk through the shadows of evil knowing You are with us; give us peace, O God, all our days and may Your blessing never depart from us. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. The Chair recognizes the gentleman from North Carolina [Mr. BALLENGER] to lead us in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, PA, as the National Aviary in Pittsburgh; and

H.R. 2824. An act to modify the project for flood control, James River Basin, Richmond, VA.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 2492) "An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 6, 10, 19, 22, 23, 25, 29, 31, and 33 to the above-entitled bill.

PUT AMERICAN PEOPLE FIRST ON HEALTH CARE

(Mr. VISCLOSKY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VISCLOSKY. Mr. Speaker, yesterday President Clinton delivered on his pledge to provide Congress with the details of a comprehensive plan to boldly reform our country's health care system.

President Clinton has also challenged the Congress and the Nation to make his plan better with the caveat that any change would have to include provisions for health security, comprehensive benefits, cost control, simplification, improving quality, and increasing choice.

The President has put his cards on the table.

Now it is time for this body to rise to President Clinton's challenge. It is time for every Member to put partisanship aside and put the American people first.

Mr. Speaker, the people want health care that is always there. Now, let us follow President Clinton's lead and deliver a health care system that really works.

NEW JERSEY EXPERIENCE LINKED TO FAILED POLICIES OF BIG GOVERNMENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, a politician promising not to place new taxes on middle-income workers. A promise broken. Taxes increased through legislative arm twisting. Spending increased faster than inflation. New spending programs invented. No rethinking of old failures.

What will happen?

Well, sadly we know what will happen. For the tragic situation I just outlined is what happened to citizens of New Jersey when Jim Florio brought his free spending and high tax policies from Washington and decided to treat the New Jersey taxpayer's money like it was Monopoly money—or with the contempt he treated the Federal taxpayer's money—\$2.8 million in new taxes were heaped on the families of New Jersey, 280,000 jobs were lost. Since 1989, New Jersey has experienced a 7.5 percent jobs loss while the rest of the Nation grew jobs at 3 percent.

While the United States created 3.2 million new jobs, New Jersey has lost 277,000.

Higher taxes. Higher Government spending. More regulation. What will happen to us? Sadly, just what happened to New Jersey. I urge President Clinton to listen to the unemployed families of New Jersey and reject the false and failed policies of bigger Government.

PASS COMPREHENSIVE HEALTH CARE BILL

(Mr. KLEIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN. Mr. Speaker, earlier this month I was one of 700 people who attended the benefit dinner for one of my constituents whom I will call James, who came to this country some 30 years ago, worked hard all his life, raised a fine family, and represented everything that is good about our country. Then 3 months ago at age 56, he was stricken with leukemia. He faces hundreds of thousands of dollars in medical bills which his insurance does not cover and which he cannot afford. I am proud of my community which has rallied to his aid, but I am not proud that our great country doesn't provide him with adequate health care and the peace of mind that goes with it.

Yesterday President Clinton presented us with a health care plan that addresses this and other basic problems in our health care system, such as containing skyrocketing costs. We can amend it, improve it, or hone it, but in the end, for the sake of James and all Americans, we have a solemn duty to pass a comprehensive health care bill in this session of Congress.

CONGRESSIONAL REORGANIZATION

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, the Joint Committee on the Organization of Congress has become a caricature of much of what is wrong with this institution.

Not only have many of the joint committee members found it difficult to attend the committee's extensive and ambitious litany of hearings, they are also struggling to produce a final report by its legislative due date of December 31.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is no wonder that their attendance record is poor and their report delayed, when you consider that there are 266 committees and subcommittees in Congress meeting on a regular basis. Simple math tells us that for every two Members there is one committee or subcommittee.

Mr. Speaker, it is time for us to slash committees and subcommittees by at least 25 percent. It is time to ban proxy voting in committees and subcommittees. And, it is time for the Joint Committee on the Organization of Congress to issue its final report and dissolve itself.

HEALTH CARE REFORM—A NEW MOMENT IN HISTORY

(Mr. DERRICK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DERRICK. Mr. Speaker, I rise today to express my strong support for the historic health care reform effort that was launched yesterday by the formal introduction of the President's Health Security Act. After years of inaction on an issue that is central to the health of our economy as well as our population, health care reform is now underway.

The up-coming debate will be long and tortuous, but we must all agree, in the end, we will have a plan that will ensure every American the security of knowing their health needs will always be met—and they will be met at a reasonable cost and a high degree of quality.

The current system is complicated, inefficient, and costly. We must do better. A comprehensive plan that creates a system where all the parts work together in the same direction—rather than against each other—can increase the security, simplify the process, reduce the cost, and improve the quality of every American. Let us get started, and let us do it right.

REAL REFORM NEEDED IN HEALTH CARE

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

Mr. THOMAS of Wyoming. Mr. Speaker, I rise today also to talk about health care. I think it is the issue that most of us are concerned about. But I come from Wyoming, and maybe it is because there are not too many of us, but we are pretty accustomed to saying the way it is. We are pretty accustomed to talking in terms of facts that folks can understand. And I think we owe it to ourselves to do that in this debate.

We need to be honest about where we are going and what we can do.

Let me tell you why this comes to mind. Mr. ROCKEFELLER yesterday said,

"You had better be for real." And I agree with that. "Once Mr. Clinton has said it, you can bank on it."

The evidence of that is not very clear, when you talk about middle-class tax cuts and other kinds of things. But the fact is we do not need Hollywood hype, we do not need historic meetings to talk about all the things we are going to do in general. We need to be specific about what we are going to do for people at home, so they can hear it and say what does this mean to me? What does this mean to cost? What does this mean to coverage?

Most people do not have the faintest idea what we are talking about when we talk about all these fancy words that are there now. Let us get real. Let us talk about real facts and real reform in the health care program.

□ 1010

REPUBLICANS ON HEALTH CARE

(Mr. MORAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MORAN. Mr. Speaker, for several weeks now, since Mrs. Clinton introduced the administration's health security plan, we have listened to our friends on the Republican side voice any number of criticisms of this plan.

I would remind the American people, it took Mrs. Clinton 9 months to come up with a plan, after Republican Presidents took 12 years to avoid coming to grips with our health care crisis.

And let me suggest to my colleagues that when we get embraced by all these businesses that are so pleased to hear us criticizing Hillary's health plan, remind them, perhaps, that 97.5 percent of their profits are being taken up by increased health insurance costs that cannot go into improving the employment picture, cannot go into increased productivity or international competitiveness, because we have failed to get this crisis under control.

THE PROXY VOTE

(Mr. ALLARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ALLARD. Mr. Speaker, in my opinion the one reform that would have the most profound impact on the number of committees on which a Member of Congress serves is to ban the proxy vote. The most important, detail oriented, work on legislation is intended to happen at the committee level. However, if on any given day you were to check a committee for attendance you would notice that half, and sometimes fewer of the members on a committee are present for the work. Part of the reason is because they are trying to balance their other committee assign-

ments. The proxy is a blessing and a crutch. While it allows Members to claim service on more committees than is humanly possible, it reduces their participation in committee. The result is too many lawmakers who fail to spend quality time on any one subject. A proxy ban would force Members to prioritize. They would be enabled to assume a quality role in their priority committee or committees. Part of the reason people are upset with Members of Congress is they feel we waste a lot of time with little to show for it. A ban of the proxy vote would make us more accountable to them and make our work and attendance in committee more evident. Who can tell perhaps the redirected attention would even produce better legislation.

SOMALIA

(Mr. WELDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON. Mr. Speaker, it has now become clear that the much ballyhooed truce in Somalia is not worth the paper it is printed on. Fighting between the two main rival clans broke out again this week in Mogadishu, raising the troubling specter of a return to all-out clan warfare.

The question is raised yet again, why are we in Somalia? We are not keeping peace. We are merely carrying water for the United Nations. Once again, our troops are sitting ducks, just waiting to be picked off by some well-armed clansmen looking for attention.

If we stay, how much longer before one of these clans trains its sights on our American soldiers in the hopes of forcing us to again take sides? Mr. Speaker, we were promised a vote on this issue on this House floor, but we know that is not going to happen. The leadership does not want us to debate and vote our continuing involvement in Somalia.

Mr. Speaker, our colleagues can force a vote if they will sign Discharge Petition No. 9, which would force House Resolution 227, introduced on July 27 by our colleague, the gentleman from Ohio [Mr. BROWN], force a vote on this issue.

I urge my colleagues, Mr. Speaker, to sign Discharge Petition No. 9, if they want us to fully debate the issue of how quickly and expeditiously we should remove our troops from that troubled land.

NAFTA

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, a just-released study by the congressional Joint Economic Committee found that

NAFTA will cost the United States 500,000 more lost jobs and further erode U.S. wages. The study concludes NAFTA's purported economic benefits are far outweighed by its social costs.

My State of Ohio has already lost over 100,000 jobs to Mexico, where wages are one-seventh of our own. Large multinational corporations have been exacting wage-and-benefit concessions from our workers, while pitting them against their lower-paid Mexican counterparts who are being exploited at average wages of \$1.55 an hour. The days of sweetheart trade deals that benefit the few at the expense of the many should be over.

Defeating NAFTA is the first step. Our jobs, our future and democratic reform in this hemisphere hang in the balance.

CHOICE?

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, yesterday the President, amid great fanfare and in festival atmosphere, gave this Congress his final legislative language for his health bill. Or at least we thought he did. But as we have seen before, what the President says and what the White House delivers are often two unrelated things.

As it turns out, we will not get the actual language for another 10 days or so. We still do not have the true cost numbers. Remember way back in April, before the leaves were on the trees? That is when we were supposed to have this health care plan. Now the leaves are off the trees again, and we still do not have it.

Mr. Speaker, the President's commitment to health care reform is admirable. We applaud it. His commitment to Government-run health care is not. Having a national health board dictate to me how I choose my health care gives a whole new meaning to choice, a meaning I do not like and most Americans do not like.

HEALTH CARE REFORM

(Ms. LAMBERT asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LAMBERT. Mr. Speaker, today I join my colleagues in answering a call that has gone unanswered for far too long. That is a call for access to affordable health care.

I have been extremely pleased by the Members of this body—both Democrats and Republicans—who have expressed a willingness to work together to create a health care plan that will take care of the American citizens without bankrupting our Federal coffers. The issue before us is controlling health care

costs while giving all of us the assurance that we will have health care. Without reform, 1 in 4 people will lose health care coverage in the next 2 years. Right now, someone loses their coverage every 30 seconds.

In the First District of Arkansas, where I live, 16 rural hospitals have closed over the past year. So I will give special consideration to ensuring that our rural hospitals are preserved and their client bases are protected. I also would like to see incentives for general practitioners to move to rural areas. But our key focus must be on guaranteeing that everyone has access to affordable full coverage, quality care, and individual choice.

CAMPAIGN REFORM BEGINS AT HOME

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, during the last Presidential campaign, candidate Bill Clinton talked a lot about the issue of campaign finance reform.

Although this issue seems to have gotten lost in the shuffle of events in Somalia, Russia, and Haiti, the two-party system will not let it just fade away.

Republicans are offering a comprehensive campaign reform package, which I am proud to support.

Our bill contains several important reforms, but there is one in particular that I believe is essential to making candidates more responsible to the people who elect them.

That reform is a requirement that a candidate for Congress must raise a majority of his or her campaign funds from the people he seeks to represent.

In many campaigns for Congress today, candidates raise almost all of their campaign funds from sources outside their district.

Americans are tired of these outside special interests influencing elections.

They are tired of candidates raising more money from outsiders than from people in their own communities.

□ 1020

They believe that true campaign reform must begin at home.

I share this frustration of the American people. I believe that no campaign finance reform will work unless candidates for Congress are required to raise the majority of their campaign funds from the people they seek to represent.

JOINING WITH THE ADMINISTRATION IN HEALTH CARE REFORM

(Ms. LONG asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. LONG. Mr. Speaker, the President's health care reform proposal does more to address the health care crisis than ever before.

In 1992, we spent more public and private dollars on health care than on education, defense, prisons, farm subsidies, food stamps, and foreign aid. While combined spending has already nearly doubled since 1970 and will double again by the year 2000, the value and quality of that health care have not doubled. The President is very much on target with the principles of savings, security, personal choice, and quality.

We can deliver the same, or better, quality health care at less cost if we change the incentives, simplify the system, and increase information for both consumers and providers.

With health care reform, we must create a market where health care plans compete on the basis of costs and quality—a market that creates incentives for providers to keep quality high and cost low. Reform must include simplification of the system with a universal benefits package, use of a standard form, and the reduction of administrative burdens for small businesses and individuals in order to control skyrocketing health care spending.

I am pleased that there is so much commitment to President Clinton's proposals. I look forward to working with the administration and my colleagues on this important issue.

SMALL BUSINESS FORESEES BIG PROBLEMS IN HEALTH CARE PACKAGE

(Mr. COLLINS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS of Georgia. Mr. Speaker, the President's socialistic health care proposal is axing jobs before the jobs can be created.

Yesterday I received a call from a constituent in Newnan GA, who expressed her concern about the President's health care employer mandate.

The lady and her husband have been planning to open a new business. However, after juggling figures in every way possible, they cannot find a way to afford the cost of the health care mandate.

She said, "This is really going to hurt small business."

With this cost I cannot afford to lock myself into a 5-year lease on the shop space.

"My husband and I have juggled figures and we can't figure how we could pay for this. This really discourages people to open startup businesses."

"Clean up the waste in Government health care programs first."

Mr. Speaker, for the sake of jobs and small business, Congress must listen to the warnings of the people in the real world and ax this socialistic idea.

AMERICA NEEDS PENSION FUNDING REFORM

(Mr. PICKLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PICKLE. Mr. Speaker, I call the attention of the Members to the recent collective bargaining agreement by General Motors [GM] and the United Auto Workers [UAW], which includes very generous pension benefit increases and early retirement subsidies. While many will think that this is all very wonderful, Members should be aware that the GM pension plans are currently underfunded by \$19 billion, and with these new benefits, it is estimated that their underfunding may reach \$25 billion. This massive underfunding represents about half of the pension underfunding in the Federal insured pension system, and is a significant contingent liability for the American taxpayer.

Today I am joining with Chairman ROSTENKOWSKI and Chairman FORD upon request, in introducing the administration's pension funding reform package. This is generally a good package, and the administration should be commended. However, as it is now drafted, it will not prevent companies from continuing to promise benefit increases in severely and chronically underfunded plans without paying for them. It is my hope that this shortcoming will be addressed before these important legislative reforms are finally enacted.

INTRODUCTION OF LEGISLATION TO PROVIDE A DAIRY SUPPLY MANAGEMENT PROGRAM

(Mr. SANDERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANDERS. Mr. Speaker, from one end of this country to the other, our family farmers are being driven off of the land.

In my own State of Vermont we had over 8,000 dairy farms in 1960, and today we're down to 2,200. In Vermont, because of the low milk prices that dairy farmers are receiving, young people are hesitant to follow their parents in farming. The same story is being played out in Wisconsin, Minnesota, and all over this country.

Mr. Speaker, when we destroy family farming in America, and centralize the production and distribution of food, we endanger the security and well-being of the entire Nation. Our country should not be dependent upon a handful of agribusiness corporations—or foreign nations—for the food that we require. We must maintain vigorous, decentralized agriculture based on the family farm.

This week I have introduced H.R. 3370—a two-tier, supply management program which will provide dairy farm-

ers with a fair price for their product and, at the same time, allow the Government to purchase inexpensive dairy products to be used in our national nutrition programs. In my view, there is no so-called milk "surplus" in this country when 5 million children go hungry.

We must save the family farm; we must feed the hungry children; we must protect our rural way of life. H.R. 3370 does that.

THE FINE PRINT ON SOVEREIGNTY

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, debate over the issue of sovereignty in the North American Free-Trade Agreement [NAFTA] is increasing, just as the debate over sovereignty in the trade agreements in the European Community is heating up. It is a valid debate. This is why the American people should make certain to read the fine print in this so-called trade/economic agreement.

The GAO report on NAFTA points out on page 87 that the dispute panels operate much like the courts they replace. In this instance, the GAO is referring to the U.S. courts. The model for the dispute panels in NAFTA is the Canadian Free-Trade Agreement [CFTA]. Those dispute panels under CFTA have in two-thirds of the panel decisions, reversed U.S. laws and regulations, including three International Trade Commission [ITC] decisions. What will happen with the Tri-national panels under NAFTA? Sovereignty is the ability to govern your country. How do we do that with international panels making decisions for us?

NAFTA REPRESENTS ANOTHER NEW BIG GOVERNMENT PROGRAM

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, the supporters of the North American Free-Trade Agreement are playing funny with the numbers again. This new math, this so-called NAFTA math, tells us that it only costs \$2.5 billion to implement NAFTA, and they finally admitted that it costs \$2.5 billion. As the Assistant Treasury Secretary, Jeffrey Shafer, said, "I regret to say the administration does not yet have a complete answer" on how to fund NAFTA.

What they will not talk about is that NAFTA is a \$50 billion new Government program, \$10 billion for Texas that the Governor of Texas has asked for, another \$5 billion for Arizona, \$5 billion for New Mexico, \$10 billion or \$15 billion for southern California, not

to mention tens of billions of dollars for environmental cleanup on the border, not to mention several hundreds of millions of dollars, if not a couple of billion dollars, for worker retraining, not to mention money for Customs officials and all we need for the border.

The fact is, it is a \$50 billion new program. The American people should write their Congressman and ask him, write their Congresswoman and ask her, where is the \$50 billion? How are we going to pay for NAFTA?

It is a bad idea. It deserves to be defeated.

THE ADMINISTRATION'S HEALTH CARE PLAN, MORE LIKE CANADIAN SYSTEM THAN MANAGED COMPETITION

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, I urge all of my colleagues to look at the Washington Post this morning, page A-16, where I think the best single sentence analysis of the Clinton health plan is as follows:

"What they did was to take the form of managed competition and filled it up with content that looks a whole lot like a Canadian-style Government system," a Clinton adviser said this week, deviating from the official White House line.

□ 1030

Now I think that tells it all. Whatever the words are, the underlying substance is a Government-controlled, Government-dominated, Government-run system that translates your health premiums into taxes that has the Government compelling you to pay those taxes and that gives the Secretary of the Treasury the power to impose an employee payroll tax on a single State when he decides it is necessary. This is an extraordinary grant of power to the Federal Government.

The plan is fundamentally flawed, and I urge my colleagues to look at affordable health care now and other plans based on a more American system.

JUSTICE DEPARTMENT'S APPEAL OF THE MEINHOLD DECISION

(Mr. NADLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NADLER. Mr. Speaker, I rise to express my dismay that the Justice Department has chosen to appeal the decision by U.S. District Court Judge Hatter in the Keith Meinhold case, declaring unconstitutional the discriminatory treatment of lesbians and gay men in the military under the so-called "Don't ask, don't tell" compromise.

Earlier this year, the President predicted that if the political branches did

not take action to end the policy of discrimination, the courts would do so, because of its blatant unconstitutionality. The so-called compromise Congress adopted reaffirmed blatant and invidious discrimination as official policy. Can the administration possibly have convinced itself otherwise?

It is hard to understand why the Clinton Justice Department not only is appealing Judge Hatter's decision but has asked the Supreme Court to hear that appeal directly on an "emergency" basis. The Meinhold case gives the President the opportunity to see his principles vindicated.

I strongly urge the President to stick by his principles and direct that the appeal of the Meinhold decision be withdrawn.

SOUTHERN CALIFORNIA FIRES

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, having listened to my friends, Mr. BROWN and Mrs. BENTLEY, I would love to stand here and talk about the North American Free-Trade Agreement. But I am very saddened to have to refer to the tragedy that exists in my State.

Over the past several years California has suffered from devastating earthquakes, riots, and most recently a recession which has created an unemployment rate of between 9 percent and 10 percent. Now, within the past 48 hours we have all seen that there are around 15 fires continuing to burn in southern California, including the Pasadena area, which I am privileged to represent.

I have to say that I hope that President Clinton declares a national disaster for those who are affected in southern California.

I would also like to say that I have heard some courageous stories of people who have stepped forward and provided tremendous assistance—local officials, firefighters, and others. We have had some static accidents in the Altadena fire, but in two particular instances many volunteers stepped forward and helped 50 people evacuate a convalescent home, and at St. Luke Hospital 170 people were evacuated.

This is a real tragedy, and I hope that we will come together to provide necessary assistance to the largest State in the Union.

NATIONAL EMERGENCY IN SOUTHERN CALIFORNIA

(Mr. COX asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COX. Mr. Speaker, as millions of people around the world watching television know, southern California has

been hit with devastating fires. We have looked on with horror as thousands of people have been forced from their homes. These fires have raged near my own home, and we evacuated in the middle of the night.

Mr. Speaker, I urge President Clinton to accept Governor Wilson's declaration request for a Federal emergency. I urge the immediate appointment of a Federal coordination officer who can deal with California. I urge FEMA, the Federal Emergency Management Agency, to establish disaster application centers in each of our affected California counties. And I urge the heads of all of the Federal agencies who can help, the U.S. Forest Service, the Bureau of Land Management, the National Park Service, to give priority attention to this matter and give this fire emergency the attention it deserves.

Mr. Speaker, the tens of thousands of Californians who are bravely fighting these fires, which still continue, deserve our immediate attention, our compassion, and our help.

CONTINUED POLITICAL UPHEAVAL IN EL SALVADOR

(Mr. HAMBURG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAMBURG. Mr. Speaker, Francisco Velis Castellanos, FMLN candidate for the National Assembly in El Salvador, was killed this week as he walked with his daughter to her nursery school. Gunmen opened fire at close range and shot him in the head.

The Los Angeles Times reported that, "The girl, about 2, ran from the scene covered with her father's blood, but was not hurt."

Velis' daughter, a few months older than the peace process in El Salvador, ran from the scene covered with blood. But El Salvador cannot run from the scene. El Salvador and the peace process remain covered with blood.

Last week the United Nations reported an increase in human rights violations with the approach of the elections scheduled for next March: the re-appearance of death squads, arbitrary executions, and torture.

The House Foreign Operations Subcommittee temporarily froze disbursement of \$70 million in aid to El Salvador to demonstrate concern over the slow pace of voter registration for the upcoming election.

The registration tide cannot be turned if political executions go unpunished. The credibility of the political and electoral process is throttled most effectively by perpetuation of an environment of fear.

We must continue to insist that the Salvadoran Government demonstrate real progress in registering voters and in maintaining an environment free of threat to the political process.

HIGHER TAXES EQUALS LESS JOBS

(Mr. BOEHNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BOEHNER. Mr. Speaker, I keep hoping that one day the Democrats will learn the lesson I, and my Republican colleagues, have been preaching: The Government cannot tax its way to prosperity; higher taxes equals more Government spending and fewer jobs.

Right now the tax-and-spend policies that the Democrats are so famous for is being spotlighted in the State of New Jersey. Three years ago, Governor Florio increased taxes by \$2.8 billion on the people of New Jersey, the largest tax increase in the history of that State. Before that tax increase, New Jersey had an unemployment rate that was 2 percent below the national average. Today, the unemployment rate is 2 percent above the national average. In fact, New Jersey now has the highest unemployment rate in the Nation among all industrialized States; 277,000 jobs have been lost since the 1991 tax increase.

Mr. Speaker, New Jersey is an example everyone should learn from: Raising taxes increases government spending, slows economic growth, and causes the American people to lose their jobs.

SPECIAL COMMISSION ON BREAST CANCER RECOMMENDATIONS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this morning I opened up the Washington Post and read this headline: "Presidential Panel Calls Breast Cancer Research Underfunded." The Special Commission on Breast Cancer has reported that Federal agencies need to spend at least \$500 million a year to make substantial progress against this killer disease.

Estimates are that nearly 500,000 American women will die of breast cancer in this decade while research projects are stalled for lack of funding. That's unforgivable. This study recommends that Congress needs to allocate at least \$500 million more per year for critical breast cancer research. That would require an approximate increase of \$100 million over what we currently authorize. It is an increase that we can and must commit to.

The commission also recommends: Enactment of official standards for mammography examinations and an effort to promote use of the screening technique.

Development of treatment techniques that improve the quality of life for breast cancer patients.

Support for advocacy organizations to help ensure access to care for all

women and expand breast cancer education.

It is fitting that the panel makes these recommendations during this, Breast Cancer Awareness Month. What this study means for those of us in Congress is that we can take an active role in finding a cure for this deadly disease. Millions of American women are counting on us.

□ 1040

SPENDING SPREES AND TAX HIKES: UNNATURAL DISASTERS

(Ms. PRYCE of Ohio, asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE of Ohio. Mr. Speaker, the Founding Fathers foresaw the States as places for experiments in democracy—good ideas at the State level might be implemented by other States and might be sound policy at the national level.

Equally important, bad laws at the State level would be avoided by other States and questionable ideas might be tested locally before they were imposed on the Nation.

New Jersey has just performed a 4-year experiment of Clintonomics—that is, what happens when you massively increase taxes and let spending explode.

This was the experiment imposed on an unsuspecting New Jersey where taxes were raised \$2.8 billion. Spending by the State grew 25 percent in 3 years—three times the rate of inflation.

What happened? New Jersey lost 280,000 jobs—10,000 jobs were lost in the last month alone.

The tax and spending spree of the current administration failed. Higher taxes killed jobs and businesses. Let us in the rest of the Nation bring the news to our own State legislatures that they might avoid such unnatural disasters. And certainly, let us learn in Washington that tax hikes kill jobs and opportunity.

NAFTA: BAD FOR U.S. WORKERS AND BAD FOR U.S. COMPANIES

(Mr. APPLGATE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. APPLGATE. Mr. Speaker, the International Machinists Union recently sent members to Mexico who were arrested by the Mexican authorities at the request of Canadian- and American-owned businesses, detained for 3 hours and sent packing, only because they wanted to look and find out about labor practices in Mexico.

Agents of Mexico tried to extort \$1 million from IBM so that they could get a Government contract. American

and Canadian and Mexican industries are polluting the Rio Grande River with the absolute worst kind of chemicals, killing many thousands of babies. But that is okay; the supporters of the North American Free-Trade Agreement are now saying that President Salinas is going to change all that.

Ladies and gentlemen, autocratic rule does not change unless you change it; it gets worse.

The United States wants free trade with Mexico, underpriced tariff-free products at \$7-a-day labor. Stop listening to special interests and start listening to the people.

A LOT MORE THAN A DAY LATE AND A DOLLAR SHORT

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, yesterday the President continued his striptease approach to revealing his long-awaited health care plan to Congress.

The good news is we got to see a little more of it. The bad news is that from what we got to see, it looks even more like another tax bill.

There are \$160 billion worth of new taxes in the plan so far and that's before a Democrat Congress even gets its hands on it.

While the taxes are sure to go up, the promised deficit reduction has already started to come down.

Originally, the plan was to reduce the deficit by \$91 billion; now the deficit reduction projection is down to \$58 billion. And that's before reality gets its hands on it.

If you remember watching the President's budget plan then, you know what to expect from his health care plan now.

The taxes America pays will go up and the money the Government is supposed to save will go down.

The President with his health care plan has added new meaning to the phrase "a day late and a dollar short."

END OF AN ERA: COLEMAN YOUNG'S RETIREMENT

(Miss COLLINS of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Miss COLLINS of Michigan. Mr. Speaker, today I pay tribute to one of the most important and history-making public servants of our time, Mayor Coleman Alexander Young of Detroit.

Mayor Young's retirement after serving almost 20 years will mark the end to one of the greatest periods in Detroit's history. When others forecast Detroit's demise, Coleman Young engineered its revival. Coleman Young dismantled the walls of exclusion brick by

brick to become Detroit's first African-American Mayor, and conquered impossible odds to do it.

Mayor Young then made city hall accessible to people who were not welcome there before; African Americans, the working class, and women. For the first time, ability determined how far their careers would lead them, not race or gender.

Certainly, no mayor had a brighter vision for Detroit or worked harder to recapture the city's pride than Coleman Young. His courage and leadership will be engraved in history. Mayor Young's exemplary achievements have made him a legend in his own time.

NAFTA: GOOD FOR FLORIDA AND ALL AMERICAN WORKERS

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, last week some members of the Florida delegation gathered with certain interest groups to denounce the North American Free-Trade Agreement and its impact on Florida fruit and vegetables and to urge Members and Americans to buy American. They even sported hats, "Dump NAFTA." But there is just one problem: The hat is made in China.

Mr. Speaker, nothing so perfectly illustrates the dilemma the protectionists have today. They oppose open markets, but they use tools to fight it that are produced in other countries. Of course, that is the reality of today's world economy. We live in a global economy in which goods move freely across the borders.

Baseball caps are produced in China, computers are produced in the United States, vegetables are grown in Mexico and exported to America while other vegetables and soybeans are grown in the United States and exported to Mexico.

Last weekend I stood in the world's largest Wal-Mart in Mexico City and one entire shelf of the cooler was filled with Florida orange juice.

NAFTA will be good for Florida as it will be good for all American workers.

SOME LUDDITES AMONG US?

(Mr. BACHUS of Alabama asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACHUS of Alabama. Mr. Speaker, I fear there may be some Luddites among us. Who were the Luddites? Some of you may remember in the 19th century of England the Luddites led a highly emotional campaign against the use of machinery. Shortsightedly, they cried that machines will cost us our jobs, no machines in our factories.

Today many of our colleagues are sounding like Luddites, claiming that

free trade, like machines and technology, will cost Americans their jobs. I disagree. If the Luddites had been successful in their campaign against machinery, the British economy would have remained stagnant while the rest of the world mechanized.

Likewise, if we listen to the opponents of NAFTA, the rest of the world will enter into beneficial trade agreements and leave us behind.

England mechanized and became the world's dominant economic force and prospered. Today we have the same choice. We must progress. We must pass NAFTA.

CLINTON REJECTS D.C.'S PLEA TO CALL UP THE NATIONAL GUARD

(Mr. MICA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICA. Mr. Speaker, under the Constitution, the President has the authority to call out the National Guard to help stem the murder and violence in the District of Columbia.

This week he and the Attorney General rejected a plea for help by Mayor Kelly. These are the same administration officials who sent unprecedented Federal force into an armed religious compound.

This is the same President who sent dozens of our men to sacrifice their lives, far across distant oceans for ungrateful Somalis.

This the same President who has surrounded Haiti with a flotilla of United States naval warships.

President Johnson called out the National Guard in the District when only a score were killed.

Governor Chiles called out the Guard when several dozen died in a Florida natural disaster.

Governor Clinton called out the Guard in Arkansas when prisoners rioted.

But beyond the White House lawn, this President cannot hear the pleas of the Mayor nor the nightly screams of the 382 murder victims and their families.

The Congress will give the Mayor the right to act, so Mr. Speaker, the President can sleep tight.

□ 1050

MEXICO'S RECORD OF INJUSTICE RAISES DOUBTS ABOUT SUPPORT FOR NAFTA

(Mr. SHAW asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHAW. Mr. Speaker, I rise today to bring to the attention of this Chamber a matter of great injustice and inequity between the United States and Mexico. In May of this year gang mem-

bers from southern California were involved in the senseless murder of a Mexican cardinal in Guadalajara, Mexico. It took little time for the Mexican Government to issue arrest warrants and request United States assistance in extraditing these criminals, at least two of which are United States citizens, to Mexico. Our Government is cooperating with that request, in accordance with normal U.S. policy.

But the Mexican Government has refused to help us in extraditing to the United States a Mexican citizen accused in the horrible kidnapping and rape of a 4-year-old girl in Riverside County, CA, in September 1992. Yes, Mr. Speaker, they have blatantly refused to cooperate in this extradition. This is normal Mexican policy.

I ask this body whether this is the kind of cooperation we can expect from Mexico in resolving serious disputes that are bound to arise under NAFTA? Certainly, U.S. citizens have the right to expect more, much more.

I have not decided how I will vote on NAFTA, but I can guarantee this body that issues such as this will definitely affect my decision.

"THE CHECK IS IN THE MAIL—I'M FROM THE GOVERNMENT AND I'M HERE TO HELP YOU"

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I speak today about New Jersey, my wife's home State. What is happening there is very important to us and very real to our families.

You never want to hear the promise about the check being in the mail. But if you live in New Jersey, you have a special reason for running fast if you hear "I'm from the State government and I'm here to help."

In 1990, taxes were increased by \$2.8 billion. This was the largest tax hike in any State to that point. The State government obligated to serve the people began to think the job of the people was to feed its endless appetite—New Jersey government truly demonstrated Ronald Reagan's observation that government is like a baby with an endless appetite at one end no sense of responsibility at the other.

Those jobs in New Jersey as a result of the tax increase did not simply disappear—they were destroyed. At the time when the Nation was creating 3.2 million new jobs, New Jersey lost 277,000 jobs. That is failure created by State misgovernment, by wasteful spending and destructive taxation.

Some 280,000 jobs killed. It is a bad joke. And no one in New Jersey is laughing.

SECRECY AT THE WHITE HOUSE

(Mr. BURTON of Indiana asked and was given permission to address the

House for 1 minute and to revise and extend his remarks.)

Mr. BURTON of Indiana. Mr. Speaker, Some time ago a Federal judge instructed the White House Health Care Task Force chaired by Mrs. Clinton, to open its meetings to the public. The judge based his decision on sunshine laws passed by Congress to ensure there is oversight in every arm of Government.

Now, the White House is embroiled in yet another secrecy SNAFU; one that could find its way into the headlines and the courts again. Despite repeated queries from House Members, the Clinton administration has refused to provide a complete list of White House staff. To add insult to injury, the administration refuses to reveal the salaries paid to some of its known staffers.

For instance: Thomas (Mack) McLarty, chief of staff to the President—salary unknown; George Stephanopoulos, senior advisor for policy and strategy—salary unknown; Bruce Lindsey, assistant to the President and senior advisor—salary unknown; and even David Gergen, counselor to the President—salary unknown.

Mr. Speaker, the House and the American people want this information—now.

MISUNDERSTANDING A JOB WELL DONE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, I want to commend two individuals today. One is the gentleman from Florida, Mr. HARRY JOHNSTON, and professional basketball player Manute Bol.

As many people know, there is a famine and war going on in Sudan, and 1.2 million people have died.

Congressman JOHNSTON, who is chairman of the Foreign Affairs Committee's Africa Subcommittee, had a series of meetings last week to focus attention on the Sudan crisis where he brought the rebel leaders from southern Sudan together to try and work out a peace accord, in opposition to the Khartoum government.

At that meeting was Manute Bol, the basketball player from the Miami Heat, who is also from the Sudan.

Manute Bol stayed because he is a Dinka and he cares deeply about his people. As a result he missed two exhibition games and was fined by General Manager Louis Schaffel of the Miami Heat.

I would urge the general manager of the Miami Heat to give Manute Bol the benefit of the doubt and to revoke the fine, because the gentleman from Florida, Mr. HARRY JOHNSTON, and Manute Bol, who represents the basketball team in Florida, were doing their best

to bring the sides together for reconciliation to save hundreds of thousands of lives in Sudan.

The gentleman from Florida, Mr. HARRY JOHNSTON, and Manute working together, I believe personally, have probably helped to save hundreds of thousands of women and children, and I would urge the Miami Heat first, to commend Congressman JOHNSTON; but second, to commend Manute Bol and revoke the \$25,000 fine.

I submit for the RECORD a copy of a letter I have sent to the Miami Heat management:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 27, 1993.

Mr. LOUIS SCHAFFEL
General Manager, Miami Heat, Miami, FL.

DEAR MR. SCHAFFEL: I am writing to strongly urge you to drop Manute Bol's fine of \$25,000 for missing two preseason games for attending the Congressional conference "Sudan: the Forgotten Tragedy."

Having been to Sudan three times and seen the death, robbing and slavery first-hand, I can only say that I applaud Manute's personal commitment to a crisis which he is almost alone in raising. As you may be aware, Manute has personally spent thousands of dollars to open the eyes of the United States to the decimation of his people in southern Sudan. I have heard him weep over the brutalities faced daily in southern Sudan, where Christian Africans are the targets of a genocidal campaign against them from the militant Islamic government in Khartoum. I have heard him tell of seeing the thousands of children who walk for miles across Sudan in search of food between scarce refugee camps. He reports that the weakest of these children are often left behind to be attacked and eaten by packs of wild animals with their friends too weak to bury them.

It was in this deeply burdened spirit that he attended the entire conference—the first of its kind—in Washington last week. He was unaware in making his plans that the second day of the conference would be postponed in order to wait for the arrival of the two rebel leaders fighting for the south. Because of the high-profile stance he has taken on Sudan, his absence would have been obvious and would have been a great detriment to the success of the conference. But he stayed in order to make his personal plea to the two leaders of the southern opposition—whose cooperation is a crucial first step in bringing needed relief to southern Sudan. He stayed to make his points passionately and well.

Enclosed you will find pictures of only a few of the literally millions of lives for whom Manute missed the preseason games. And you will find a recent article chronicling present-day slavery in Manute's native land.

Considering Manute's commitment in both time and money to the neglected cause of his suffering people, I ask you once again to revoke the unjust and heavy fine you gave him. I understand your actions, but am sharing the other side of the story in the hope that you will change your mind.

Sincerely,

FRANK R. WOLF,
Member of Congress.

WHERE IS THE CONGRESSIONAL REFORM BILL?

(Mr. SOLOMON asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, for my colleagues who are disappointed that reform week has been called—for lack of reforms—let me give you cause for some real disappointment: Last September was supposed to be congressional reform month.

Yes, you heard me right. The Joint Committee on the Organization of Congress, was supposed to bring a congressional reform bill to the floor of this House nearly 2 months ago. And now we are being told it is off until sometime next year.

Mr. Speaker, where is that bill? I am embarrassed to tell you as a member of that joint committee that I don't know where it is.

As near as I can tell, it is being filibustered to death in the Democratic caucus before it has even been written, let alone reported.

Mr. Speaker, I have held my peace until now when it comes to criticizing the joint committee. But when I hear that a few bulls and leaders in the Democrat Party are trying to dictate what this bipartisan, supposedly independent joint committee can and cannot put in its own bill, I begin to lose patience.

Now we are being told that we can not have any reforms in House committee procedures unless the Senate abolishes the filibuster. That is the goofiest, most illogical disconnect I have ever heard.

It's a little like telling your doctor you will not take your medicine until your neighbor stops having those noisy, all-night parties.

Come on Democrats, stop making excuses and start taking your medicine. Physicians, heal thyselfes.

PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 283, FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. MOAKLEY. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 287 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 287

Resolved, That upon the adoption of this resolution it shall be in order, any rule of the House to the contrary notwithstanding, to consider in the House the joint resolution (H.J. Res. 283) making further continuing appropriations for the fiscal year 1994, and for other purposes. Debate on the joint resolution shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The previous question shall be considered as ordered on the joint resolution to final passage intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. TORRES). The gentleman from Massa-

chusetts [Mr. MOAKLEY] is recognized for 1 hour.

Mr. MOAKLEY. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida [Mr. GOSS] pending which I yield myself such time as I may use. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 287 allows this body to consider House Joint Resolution 283, making further continuing appropriations for fiscal year 1994, in the House—any rule of the House to the contrary notwithstanding. The hour of debate time will be equally divided and controlled by the chairman and ranking minority member of the Appropriations Committee. The rule provides one motion to recommit.

House Joint Resolution 287 is a one-sentence joint resolution, simply changing the end date for the continuing resolution from October 28 to November 10.

Mr. Speaker, the situation is not hard to understand. Tonight, the short-term continuing resolution will run out. Congress has cleared 11 of the 13 appropriation bills: 5 bills have been signed into law; the other 6 are either on the President's desk awaiting his signature or on their way from Congress to the President's desk.

The two remaining bills are Interior and DOD. The House passed the Interior conference report and it is pending in the Senate. Yesterday we appointed conferees for the DOD appropriation bill. I have every confidence we can come to quick resolution on these measures.

Mr. Speaker, Congress should be able to clear the last two bills in the next few days. If this continuing resolution is in place, it will allow the President his constitutionally mandated 10 days to decide whether to sign or veto each of the appropriation bills without the threat of shutting down the Government.

I have described the rule and the continuing resolution. Now I want to address the concerns of those who would vote no.

Mr. Speaker, those in opposition are animated largely by nongermane issues, so I ask your indulgence if I should stray from the matter at hand.

The other side wants to waive the germaneness requirement in order to address their scorekeeping worries on health care reform proposals. How a permanent change in the scorekeeping rules would fit in a temporary continuing resolution, I do not understand. In my view the amendment proposed by the minority leader and the gentleman from Ohio [Mr. HOBSON] does not belong on the continuing resolution. It is both premature and dangerous.

The danger, Mr. Speaker, lies in what a House nongermane amendment would

invite from the other body. We have been disciplined this year.

The continuing resolution is usually an attractive vehicle for nongermane amendments but Congress has so far this year been clean and simple on the continuing resolution. There is no telling what manner of mischief we invite if we in the House do not maintain the requirement of germaneness.

The amendment is also premature. It is an interesting and important debate about when to treat Federal mandates as Federal taxes. The Office of Management and Budget, the Congressional Budget Office, and the Joint Tax Committee are engaged in a serious discussion of the issue. It seems to me premature to gag those staffs, to direct the outcome of their debates.

We hire those people for their expertise in public finance and their independent judgment. Why should we preempt them? Why would we rob ourselves of the opportunity of hearing the full debate on the subject by directing them to keep score in a certain way? As a general principle, we ought to be suspicious of directed scorekeeping and especially before we even know the full arguments on both sides of the issue.

The second source of opposition comes from those who are upset about the demise of the principle of majority rule in the other body. There are some who would shut down the entire Federal Government, who want especially to close the national parks and museums, to make that point about Senate rules. If the House defeats the rule and the continuing resolution, attention will be drawn to problems in the House, perhaps to Congress' inadequacy as a whole, but not specifically to the Senate filibuster rule.

Finally, Mr. Speaker, some will vote no because they oppose continuing resolutions on principle. Mr. Speaker, I doubt there is a single Member who likes continuing resolutions, who thinks this is the way to do business. There is no secret strategy to delay the bills and use continuing resolutions to fund the Government.

The Appropriations Committee struggled mightily to get the bills done on time. No one has been louder in opposing the use of continuing resolutions than the chairman of the Appropriations Committee.

The fact is that we have been slowed down by some serious and important issues. If the most important thing was to get the bills done on time and avoid a continuing resolution, we could have skipped the debate on ASRM or the super collider. But these were important differences between the Senate and the House and the debate was certainly worthy of the time spent. If the Congress ought to have engaged in those debates, we must accept the delay, face the consequences, adopt this rule and pass this continuing resolution.

Mr. Speaker, the joint resolution before us is a simple, clean extension through November 10 of the most restrictive form of a continuing resolution: Providing the lowest amount among last year's level, the House-passed or the Senate-passed amount for each account.

House Resolution 283 is a fair rule and I urge its adoption.

□ 1100

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the distinguished chairman, the gentleman from Massachusetts [Mr. MOAKLEY], for yielding.

Mr. Speaker, I am sure most Americans know the expression "3 strikes and you're out." We just finished a very exciting World Series where strike-outs were strictly enforced. So today, as we take up continuing resolution No. 3, I wonder if the majority leadership is ready to concede they have struck out on getting our work done on time.

One week ago today, I stood here and reviewed the problems with our budget process and observed the growing opposition to so-called continuing resolutions. I also predicted I would be back today. CR's, as they are called, are essentially C.Y.A. measures that allow deadlines to slip. Despite the strong wishes and many efforts of the distinguished chairman of the Appropriations Committee, the gentleman from Kentucky [Mr. NATCHER], and ranking member, the gentleman from Pennsylvania [Mr. MCDADE], who have repeatedly exhorted this Congress to get its important work done on time, we are now going to grant ourselves until November 10 to do the work that we were supposed to have finished by October 1. That is an extra 41 days.

But have we used that grace period to put our shoulders to the wheel and get things done? Well, last week, upon passage of the second CR, the House leadership declared itself a 4-day weekend, instead of staying here to thrash out the remaining obstacles to completing our business.

Now the leadership is preparing for a 5-day long-weekend. No wonder people across the land question how serious we are about the Nation's urgent business. Regardless of how you dress this up, the conclusion is the same: Congress is failing to fulfill its obligations in a timely and responsible way, choosing to fall-back on one CR after another instead of putting in the time to do our jobs. Is anyone betting that when this third CR expires on November 10 that the work will be done? Despite how unsettling this CR, process is to fiscally responsible Americans, despite the fact that it erodes Congress' credibility, there is another very serious problem confronting us.

Mr. Speaker, we had testimony yesterday in the Committee on Rules about a very important measure designed to bolster that credibility. In the name of our minority leader, the gentleman from Illinois [BOB MICHEL], a prudent and reasonable proposal was offered to put an end to the deceitful numbers games for which the Federal Government is infamous—specifically, as we begin the complex task of reforming health care and figuring true costs the Michel proposal would ensure truth in accounting at the Congressional Budget Office, the Office of Management and Budget and the Joint Committee on Taxation as they begin analyzing health care legislation.

My colleague, the gentleman from Ohio [Mr. HOBSON], spokesman for the proposal, made it very clear that we cannot expect to achieve responsible reform when we are trying to compare apples and oranges. Especially when apples from the White House are still missing. We have all got to be working with the same numbers if we ever hope to make meaningful change. But the majority members of the Committee on Rules, operating under instructions from their leadership, refused to allow the minority leader an opportunity to bring this matter to the floor. In fairness, they argued for a clean CR—but this need for truth in numbers about health care far outweighs their arguments.

Mr. Speaker, I urge a "no" vote on this rule, but should it pass I hope my colleagues will join me in voting "no" on the CR, and I do intend to ask for a recorded vote. Judging by our \$4-plus-trillion-and-rising national debt, I would say truth in budgeting is long overdue—and the "three strikes and you're out" rule is more than fair. Americans are ready to enforce it.

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONGRESS

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Percent ²	Number	Percent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	41	11	27	30	73

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

Sources: "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong.; "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 27, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONGRESS

Rule number date reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5, R-25)	3 (D-0, R-3)	PQ: 246-176. A: 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1, R-18)	1 (D-0, R-1)	PQ: 248-171. A: 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2, R-5)	0 (D-0, R-0)	PQ: 243-172. A: 237-170. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1, R-8)	3 (D-0, R-3)	PQ: 248-166. A: 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (4-4, R-9)	8 (D-3, R-5)	PQ: 247-170. A: 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8, R-29)	1(not submitted) (D-1, R-0)	A: 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2, R-12)	4 (1-D not submitted) (D-2, R-2)	PQ: 250-172. A: 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8, R-12)	9 (D-4, R-5)	PQ: 252-164. A: 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1, R-5)	0 (D-0, R-0)	PQ: 244-168. A: 242-170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1, R-7)	3 (D-1, R-2)	A: 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A: Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A: Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A: 308-0. (May 24, 1993).
H. Res. 173 May 18, 1993	MC	S.J. Res. 45: United States forces in Somalia	6 (D-1, R-5)	6 (D-1, R-5)	A: Voice Vote. (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A: 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19, R-32)	8 (D-7, R-1)	PQ: 252-178. A: 236-194. (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6, R-44)	6 (D-3, R-3)	PQ: 240-177. A: 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A: Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4, R-3)	2 (D-1, R-1)	A: 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D-20, R-33)	27 (D-12, R-15)	A: 294-129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A: Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-11, R-22)	5 (D-1, R-4)	A: 263-160. (June 17, 1993).
H. Res. 201, July 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A: Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A: Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A: 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A: 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8, R-6)	2 (D-2, R-0)	PQ: 245-178. F: 205-216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8, R-7)	2 (D-2, R-0)	A: 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A: Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A: Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109, R-40)		A: 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MO	H.R. 2401: National Defense authority	NA	1 (D-1, R-0)	PQ: 237-169. A: 234-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 1340: RTC Completion Act	NA	91 (D-67, R-24)	A: 213-191-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 2401: National Defense authority	NA	NA	A: 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 1845: National Biological Survey Act	NA	NA	A: 238-188. (10/06/93).
H. Res. 264, Sept. 28, 1993	MC	H.R. 2351: Arts, humanities, museums	7 (D-0, R-7)	3 (D-0, R-3)	PQ: 240-185. A: 225-195. (Oct. 14, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1, R-2)	3 (D-1, R-1)	A: 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 2739: Aviation infrastructure investment	N/A	N/A	A: Voice Vote. (Oct. 7, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1, R-2)	2 (D-1, R-1)	PQ: 235-187. F: 149-254. (Oct. 14, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7, R-7; 1-1)	10 (D-7, R-3)	A: Voice Vote. (Oct. 13, 1993).
H. Res. 282, Oct. 20, 1993	C	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	N/A	N/A	A: Voice Vote. (Oct. 21, 1993).
H. Res. 286, Oct. 27, 1993	C	H.R. 334: Lumber Recognition Act	N/A	N/A	
H. Res. 287, Oct. 27, 1993	C	H.J. Res. 283: Continuing appropriations resolution	1 (D-0, R-0)	0 (D-0, R-0)	

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

ROLLCALL VOTES IN THE RULES COMMITTEE ON MOTIONS ON THE RULE FOR HOUSE JOINT RESOLUTION 283—MAKING FURTHER CONTINUING APPROPRIATIONS

(Wednesday, October 27, 1993)

1. Michel amendment—To provide for budget scorekeeping which will show the true cost of proposed health care plans. Rejected: 4-6. Yeas: Solomon, Quillen, Dreier, and Goss. Nays: Moakley, Derrick, Beilenson, Frost, Hall, and Slaughter. Not voting: Bonior, Wheat, and Gordon.

2. Adoption of Rule—Adopted: 6-4. Yeas: Moakley, Derrick, Beilenson, Frost, Hall, and Slaughter. Nays: Solomon, Quillen, Dreier, and Goss. Not voting: Bonior, Wheat, and Gordon.

□ 1110

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

Mr. MOAKLEY. Mr. Speaker, I yield 6 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I reluctantly rise in support of the rule on the continuing resolution.

I say reluctantly because this CR includes funding for the Department of the Interior—and it is included in the CR for one very simple reason: Because a minority of the U.S. Senate continues to defy the President, defy the Interior Secretary, defy two-thirds of this body, defy its own conferees, and to deny a majority of the Senate itself by filibustering the Interior appropriations bill.

I think the American people are fed up, and I know this House is fed up,

with obstructionism and gridlock taking place in the Senate. To protect the subsidized interests of 18,000 holders of Federal grazing permits—nearly all of whom can afford to pay the increased fee the majority supports—that Senate minority is prepared to shut down a major department of this Government, the Department of the Interior.

So am I, and so is the Secretary, if that is what is necessary.

Because there is a critical principle at stake here:

Is the House, and are the American people, going to continue to let a minority of people in the Senate totally frustrate the operations of our Government? Here in the House, you get your day in court; you vote on the tough issues when they come to the floor, up or down.

In the Senate, a handful of people can ignore the will of the majority of that body and prevent a bill from being considered, even when their majority votes are in place on bipartisan basis to support and to pass that legislation, as is the situation with the Interior appropriations conference report.

So let me tell you what the result is going to be. Yes, the funds for the Department of the Interior will be continued now for another 10 days. But when the dollars run out, the Senate minority is going to shut down, they say, shut down, because they do not want to give the bad news to a few thousand special interest ranchers in a few States that the day of the federally

taxpayer subsidized gravy train is over. That you are now going to have to pay a reasonable rate, a rate comparable to what is paid on State lands and private lands in your State to graze your cattle. The days of the deep pocket subsidy of Uncle Sam are over.

Here is what they are willing to shut down in that fight. They are willing to shut down the Washington Monument, the Smithsonian Institute, Independence Hall in Philadelphia, the Alamo, and the Statue of Liberty. All because they insist upon carrying on a fight and a filibuster to prevent the Senate from voting a bill where the majority of the Senate is prepared to vote and to pass that legislation. That is the bad news, that they can shut that down.

I think what is important and at stake here is to understand that should we resist this filibuster and should we stick to the House position, that the taxpayers of this country will get a reform that stops the drain on the Treasury, and those concerned about the environment will get a better stewardship of the public lands that are owned by the people of this country. That is what is at stake.

What we see is a band of Senators today berating Members of the House, the committees of the House, on a bipartisan basis. Nobody has withheld from their objections and their personal remarks about Members of this body, so that they can protect those few special interests.

This fight will not end today with the passage of the CR. The House will

not change its position. The leadership will not change its position with respect to the House position. The Secretary of the Interior will not change his position, nor will the President of the United States.

I find it interesting that the Senators from Pennsylvania would threaten to shut down Independence Hall when a majority of their delegation, 17 of the 19 in the House, voted to increase the grazing fees. In the State of New York they say they will shut down the Statue of Liberty, where 30 out of 31 Members of this House on a bipartisan basis voted to increase the grazing fees. But the Senate would rather shut down the Statue of Liberty. The Everglades Park in Florida, where 20 out of 23 Members on a bipartisan basis of this House voted to increase the grazing fees and grazing reforms, the Senators from Florida say they would rather shut down the Everglades Park than to raise the grazing fees on a few special interests.

Time and again, overwhelmingly, on a State-by-State basis, the Members of this House have voted for these reforms, and yet we see Members from that same State suggesting that they are going to risk the enjoyment of their citizens, the benefit of their taxpayers, by shutting down the national parks, by shutting down the national monuments, and the historic sites, so that they continue to act as obstructionists, engage in gridlock, between their special interest grazers in the far West, rather than let the Senate vote.

We voted with over 319 votes on a strong bipartisan basis, as we have each and every year, for grazing reforms. We must now force that vote to take place in the Senate.

They have refused to engage in this issue for over a decade. The time has come now. And that is why I will reluctantly support this continuing resolution, because it does involve the Department of Defense and the District of Columbia. But at some point we are going to come down to this confrontation, and the Senate will have to decide whether it is going to represent the American people or a handful of special interests who are deep into the pockets of the American taxpayers.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TORRES). At this time the Chair would ask and caution Members to desist against references to the Senate and its Members.

Mr. MILLER of California. Mr. Speaker, I appreciate the position of the Chair. I would only say on a bipartisan basis Members of the House of Representatives have been characterized as prating about this one. Our Republican colleagues have been called shabby rascals. It goes on and on and on in the Senate about individual Members of this House who are engaged in trying to support this legisla-

tion. And I would hope at some point the leadership of the House would discuss this with the leadership of the Senate. It got so bad the other day that Senator BYRD had to take the floor to admonish Members of the Senate that they could not engage in that kind of debate.

Mr. GOSS. Mr. Speaker, I am privileged to yield such time as he may consume to the distinguished minority leader, the gentleman from Illinois [Mr. MICHEL].

Mr. MICHEL. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, normally on continuing resolutions, our inclination has been over any number of years to keep a continuing resolution just as clean as you possibly can, for obvious reasons. But today I have to express my regret that the Committee on Rules did not see fit to make in order our amendment, which is designed to ensure accurate and credible cost analysis of the various health care reform proposals.

There has been considerable concern expressed on both sides of the aisle, as well as by numerous economists and other experts, over the accuracy of the numbers in the President's health reform proposal. In fact, the President is proposing that we not even count as part of our budget calculations the increased payroll taxes and the increased Government spending these taxes are designed to finance.

How can we possibly determine the overall cost impact of the proposal if we do not include under the Federal budgetary framework all the Federal mandated receipts and expenditures.

Our amendment would rectify this problem by requiring the Office of Management and Budget, the Congressional Budget Office, and the Joint Committee on Taxation, in scoring health reform proposals, to treat any taxes or premiums imposed on employers or other individuals as Federal receipts, and any expenditures resulting from such receipts as Federal outlays.

The President himself said yesterday in Statuary Hall that he wants a true accounting of the costs of his proposal, and this amendment would accomplish that objective.

Mr. Speaker, we believe it is essential that this language be included in the continuing resolution because this is the last legislative vehicle available to us prior to the commencement of analyses by these agencies of the President's proposal and other proposals. As I indicated, that is my one reason for deviating from the generally time-honored procedure that has been around here to keep continuing resolutions as clean as possible. But we are getting up to the end of the session, and it is my understanding that some of the hearings on the health proposal of the administration may very well be taking place during the period when Congress is in adjournment.

If we meet our adjournment date, as I hope we will for this session, a few days before Thanksgiving, and there is the entire month of December for whatever hearings may or may not be scheduled, I think we ought to be honoring this principle that I have embodied in my amendment.

Congress needs to establish a framework for these analyses, because we are talking about proposed changes that affect one-seventh of our economy and impact on every American.

□ 1120

The manner in which the analyses take place will have a key impact on the overall health care debate and, thus, should not be merely left up to the bureaucracy to determine.

I thus urge that we defeat the rule so that the Committee on Rules can immediately bring back a rule making this amendment in order. We have an obligation to assure the American people that an accurate and straightforward cost analysis will in fact take place.

Mr. Speaker, I thank the distinguished gentleman from Florida for yielding time to me that we might make these remarks. Hopefully, they will be persuasive enough to provoke a negative vote on the rule.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the honorable gentleman from Minnesota [Mr. SABO], chairman of the Committee on the Budget.

Mr. SABO. Mr. Speaker, I thank the chairman of the Committee on Rules for yielding time to me.

I would just simply like to indicate that I think that the chairman of the Committee on Rules made a compelling argument, as he made his presentation of this rule and why we should not deal with the question of scoring of health care at this point.

Clearly, it is premature. The Congress, all the committees involved are going to have extensive hearings on health care legislation, how it is financed. The numbers will all be before us.

Mr. Speaker, I would go one step further and speak to the substance of the argument that is being made today. Somehow it is being argued that the health insurance premiums paid by private employers in this country should be counted as part of the Federal budget. I, frankly, think that is nuts. They pay health insurance premiums today. They will continue to pay health insurance premiums under the Clinton plan. Those are clearly private expenditures, not public expenditures.

There are certain portions of the health care plan that clearly are within the Federal budget. Those payments made to cost share with small business, to cost share with other people of low income so that they can have access to this health care plan clearly are public expenditures. They need to be clearly

defined. They need to be clearly understood. And those clearly will be in the Federal budget. But to somehow suggest that those premiums which are fundamentally, today, paid by private employers will continue to be paid by private employers, is somehow part of the Federal budget, in my judgment, simply makes no sense.

I commend the chairman of the Committee on Rules for not dealing with that issue at this point. It clearly is premature, plus, I would add, I think also a suggestion that is simply wrong.

Mr. GOSS. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished ranking member of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I do not support continuing resolutions and today is just one more vindication of my position. This is the third so-called CR we have had for fiscal year 1994, and this one will fund the Government through November 10—some 41 days into the new fiscal year.

The very term "continuing resolution" is a misnomer because CR's don't resolve anything. They should really be called continuing irresolutions since they are damning evidence of our lack of resolve to finish our work on time around here.

My colleagues will recall that a week ago, when we granted a second CR for 1 week, the House promptly adjourned for 4 days—hardly an action designed to keep the appropriators' noses to the grindstone.

And just as sure as I am standing here, that is what we will do again, as soon as the CR is passed—take another break—this time for 5 days—during which nothing will be done to complete our work.

Mr. Speaker, we have our own perverse version of Parkinson's Law around here. Instead of work expanding to fill the time allowed to complete it, here in Congress work is delayed for the amount of time extended to complete it.

The gentleman from Wisconsin [Mr. OBEY] testified before the Rules Committee and proposed that we omit one of the appropriations bills from coverage under the CR—a bill that is now the subject of some extended debate in the other body.

I would suggest that rather than selectively shutting down one department, we should just say no to another CR. Nothing focuses the attention of our two great bodies more than a government shutdown; nothing forces closure faster than a threatened Government closure.

Mr. Speaker, I realize that the fix is probably in on this CR, and it will probably pass, notwithstanding my persuasive arguments to the contrary.

If that is the case, let us at least use this opportunity for the kind of constructive purpose recommended to the

Rules Committee by our Republican leader, the gentleman from Illinois [Mr. MICHEL] and the gentleman from Ohio [Mr. HOBSON].

What they have proposed is a truth in budgeting amendment to the CR for the health care legislation submitted to us yesterday by the administration.

Under the Michel-Hobson amendment submitted to the Rules Committee, OMB, CBO, and the Joint Tax Committee would all be required to use the same scorekeeping respecting any health care proposal, such as the administration's Health Security Act.

The Michel-Hobson amendment would ensure that we deal with that reality up front as an actual matter of Government taxes and spending, which it is. Right now, everybody is throwing around different numbers and speaking in mixed, if not forked, tongues.

If we do not start talking the same language from the beginning, we will all soon find ourselves wandering around lost in fantasyland. That doesn't bode well for dealing with the real health care problems of the American people.

In conclusion, Mr. Speaker, I urge my colleagues to vote down this rule so that the Rules Committee can report back a truth-in-budgeting amendment for the health care plan. Failing that, I urge defeat of the CR.

That scorekeeping would specifically treat any obligations, payroll tax, assessment, premium, or fee required of an employer or other individual as a Federal receipt, and any related expenditure as a Federal outlay.

Mr. Speaker, that makes eminent good sense, especially when you consider that the administration is talking about keeping their entire health plan off budget to hide its true costs, and that means uncontrolled taxing and spending and regulating without Congress having anything to say about it all.

Putting it off budget is not going to make the real costs of the plan go away. It is like trying to hide an elephant under a peanut shell. You can pretend you do not see it and it is not really there. But eventually you are going to have to face up to its reality and deal with it.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Minnesota [Mr. SABO], chairman of the Committee on the Budget.

Mr. SABO. Mr. Speaker, let us be clear about one thing: Direct Federal expenditures paid by the Federal Government to States, alliances, or whatever mechanism will be created to handle health care, are on the Federal budget. That is clear.

Private premiums are not. They are not today, and they should not be under the proposed health plan.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Speaker, I have had extensive conversations with Members on both sides of the aisle. They are concerned that these new alliances are going to be given the right to borrow money without our approval, to raise fees without our approval. We cannot abdicate our responsibilities like that.

Mr. SABO. Mr. Speaker, I would suggest to the gentleman from New York that those are legitimate items to talk about, debate, but they are not Federal expenditures.

□ 1130

Mr. GOSS, Mr. Speaker, I yield 1 minute to the distinguished gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Mr. Speaker, I rise today to call on my colleagues to defeat this rule so that Congress can have the opportunity to vote on the health reform cost credibility amendment. This amendment ensures all Americans that Congress will not try to hide the taxes or penalties that are needed to make the President's plan work.

Congress received President Clinton's health plan yesterday. But before we begin consideration of the plan, it is essential that American families and businesses know that the debate will be on an open and honest basis.

Americans need health care reform. But Americans also need a true and honest accounting of the various health care proposals. Congress must pass an amendment that ensures that no accounting gimmicks or phony financing is used in the health care debate and thus, I ask my colleagues to defeat this rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. HOBSON], who was the spokesperson for this proposed amendment yesterday.

Mr. HOBSON. Mr. Speaker, I rise to express my opposition to the rule. Yesterday, I went before the Rules Committee and asked the panel to make in order an amendment to set guidelines for how the CBO and OMB would score the President's health care reform bill. The amendment was rejected.

Yet we need to make sure that the cost of the Clinton health plan is accurately depicted to the American people. Without a clear and complete understanding of those costs, their uncertainty will dominate the health care debate, not the merits of health care reform.

This continuing resolution offers the last legislative vehicle available for requiring that the cost analysis of the President's health reform plan is performed in a fair and accurate manner.

Mr. Speaker, this health care debate is too important to the American people to have it sidetracked by questions of phony numbers.

Mr. SABO. Mr. Speaker, will the gentleman yield?

Mr. HOBSON. I yield to the gentleman from Minnesota.

Mr. SABO. Mr. Speaker, I would just like to indicate to the gentleman that I have no interest in phony numbers. I think the numbers have to be thoroughly analyzed. They need to be scrutinized. We have to make sure they are right.

A significant part of the funding of health care today is private premiums paid for health care. The biggest part of the payment for the new plan will continue to be private premiums paid for health coverage. Those are not Federal expenditures.

Mr. HOBSON. Mr. Speaker, I would say to the gentleman, we have changed the manner in which that is done.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. ARMEY], the conference chairman of the Republican Party.

Mr. ARMEY. Mr. Speaker, what is at issue here is whether or not the minority party will be allowed to put in place for consideration an amendment to the proposed rule. The rules of this House under which a bill is taken under consideration are defined by the Committee on Rules, which has nine Democrats and four Republicans. As we all too well know, those nine Democrats can, by themselves, determine what the rule will be.

Mr. Speaker, what we are saying is let us offer here an amendment that clarifies the language by which we keep track of the Nation's business: Will a tax be called a tax, or will it be called something other? Will it be disclosed to the American people, or will it be hidden?

Especially, as this is taken in consideration of the pending legislation that may, if passed into law, create a new government-controlled health care plan that will be the largest entitlement plan in the history of this Nation, will we call expenditures under this expenditures, account for them in the budget? Will we call taxes levied to finance these taxes, counted in the budget, for will we not?

The President called on the Republicans yesterday for bipartisan participation. The Democrat leadership said they hoped there would be bipartisan participation. The Republicans are trying to participate. We are trying to get the nine-member panel dictators of the Committee on Rules from the Democrat side of the aisle to allow us to offer for consideration, for debate, and for a vote by the entire Congress of the United States this one amendment that will address this critical issue: Will the Congress of the United States deal honestly or deceptively, as they report to the American people what is the business of the American people conducted with the incomes of the American people?

Here is our chance. Do we vote for honesty, or do we vote for deceptive government practices?

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I have two problems with this rule and with this continuing resolution. The first problem is that we are dealing with a continuing resolution, period. The Democrats promised at the beginning of this session of Congress that, if given the majority in the House and the majority in the Senate and the White House, they would be able to govern. What we now find is that they cannot govern. There is no gridlock in this particular issue because of anything the minority party has caused. It is simply an inability of the Democrats to get their work done.

As a result, the legislative schedule is getting further and further behind. We are incapable of accomplishing the things we need to do as a Nation, and the Democrats seem incapable of even managing this place in a way that allows us to do the basic business.

Given that situation, we now have a whole new wave of legislation coming on the Hill called health care. Republicans are saying there are very few vehicles, given the Democrat mismanagement, on which we have a chance to assure that we get real numbers.

The chairman of the committee on the Senate side that will handle much of the health care package has called the President's numbers in his original proposal a fantasy. We have decided that the numbers that we operate under in the House ought not to be fantasyland figures. The only way we have to assure that we do not deal with fantasyland figures is to get an amendment such as that which the minority leader sought to offer.

All we asked the Committee on Rules to do in this particular bill was to give us the legislative vehicle to assure that, as the House begins consideration of health care, that we do not deal with fantasyland numbers. Instead, the Committee on Rules has come forward with a rule that will assure that we will have no such vehicle to deal with that issue, and that in the end, that we will be dealing with kind of Alice in Wonderland, fantasyland and all kinds of deceptive and phony numbers. We cannot afford to do that as a Nation.

If we want to assure that we both break the gridlock on continuing resolutions and deal with real numbers in health care, we ought to vote no on the rule.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the other great Commonwealth, the gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Mr. Speaker, the budget is the process by which Congress and the President allocate scarce resources among competing public priorities. The

administration's health care proposal will have the Federal Government reallocating hundreds of billions of dollars, or approximately 14 percent of the economy. If allowed to do so off-budget, Congress and the public will be deprived of the essential measurement of the fiscal and economic impact of these policy decisions.

This is a critical issue, because the administration's reform proposal calls the employer's payroll tax a nonfederal private transaction. Although universal coverage is popular, taxes are not, and so the administration is attempting to characterize a mandatory tax and a large Federal regulatory activity as private transactions.

I strongly disagree. When legislation invokes the sovereign power of the Government to compel the payment of funds, defines a class of beneficiaries, guarantees specific benefits, and establishes a Federal regulatory apparatus, that legislation has created a Federal activity financed by a Federal tax.

But rather than debate what is a tax or a Federal activity, let us look at legislation enacted last year under Senator ROCKEFELLER's leadership in the Senate Finance Committee, when Mr. Bentsen was the chairman. The law is the United Mine Workers of America [UMWA] health benefit plan, which addresses the financing of health benefits for UMWA retired coal workers.

To help compare the structure of the UMWA health benefit plan the alliance structure under the President's bill, we will use these two charts. First, the law mandates the coal operators make mandatory, annual premium contributions to the combined benefit fund, which is specifically characterized as a private plan. No premium contributions are ever transferred to the Federal Government. The combined fund is managed by a board of trustees made up exclusively of private individuals. The class of eligible individuals is specified in statute. The health care benefits are specified in statute. The first year premium is set in statute, and the law authorizes the Secretary of HHS to index the premium by the medical component of the CPI.

Now let us look briefly at the structural outlines of the administration's health care plan. We have federally mandated premium payments based on percentage of payroll. Additionally, we have Federal and State Medicaid and subsidy payments to the alliance. The alliance is managed by a State agency or nonprofit corporation. The class of eligible individuals will be specified in statute. The health care benefits will be specified in statute. The bill will set a method to determine the first year premium, and premiums are indexed by a consumer price index cap.

Now, in their key structural elements, the UMWA combined benefit fund and the administration's health reform proposal are indistinguishable.

Both bills attempt to characterize the premium contributions as a private transaction. Both have the transfer of moneys to the alliance rather than to the Federal Government. Both keep Federal officials off boards of trustees.

Since the combined benefit fund was enacted last year, there is one major difference—we do know how both CBO and OMB characterized it. And both CBO and OMB determined that since the statute invoked the sovereign power of the Federal Government to compel payments from coal operators, and since the statute defines benefits, the class of beneficiaries, and the premium levels, it is a Federal tax with both revenues and expenditures on-budget. This appears on P.1153 of the appendix of the Budget of the United States Government, fiscal year 1994. The Congressional Budget Office also characterizes the combined benefit fund as a tax, with both revenues and expenditures on-budget.

Clearly, the Congressional Budget Office and OMB will have no choice but to characterize the administration's payroll tax and bureaucracy as taxes and an on-budget Federal activity. To characterize the administration's proposal as off-budget would uphold a pretense that would lead to a serious erosion of fiscal discipline imposed by the budget and the budget process.

Mr. Speaker, can we distinguish any difference between the financing and operational processes of the coal miner's fund and the President's proposal? If the UMWA health benefits fund is on-budget as a tax, how can the employer payroll tax in the President's plan not be included in the Federal budget as a tax?

Mr. Speaker, I include for the RECORD a chart on the coal miner's fund and a comparison with the administration plan:

[Charts not reproducible in the RECORD.]

□ 1140

Mr. GOSS. Mr. Speaker, I yield 1 minute to my distinguished colleague and friend, the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Speaker, I am just a little late in my response to the gentleman who spoke earlier about the grazing fees and the proposition that is going on in the Senate. I could not help but rise to comment on the hypocrisy of that.

We have chairmen in this place who wrote letters about the rules, who say we should not put legislation on appropriations. The rules in the Senate are such that they can have this kind of a process, and yet he complains about it. It seems to me that what we really had here was an addition of 19 pages of statute on an appropriation bill, and frankly, I hope that that does not continue. And I hope that they use the rules as we have all agreed to.

If the rules are not proper, we ought to change the rules. If the rule is improper for legislating on an appropriation, we ought not to do that.

It is a little hypocrisy when we say that is the rule and we do not want to do it, except if you like it. Then you do it. And I could not help but raise an objection to that kind of a concept. And I appreciate the gentleman yielding me the time.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding the time.

Mr. Speaker, it is extremely important that we pass the Michel amendment and the rule that is being proposed will not allow it to take place. What does that mean to the American people?

It means that business can have their fees increased without any control. It is like a tax increase. Individuals can have fees increased, and they will not have any way of controlling it.

It is absolutely essential that we do this.

Let me give a little bit of historical background. When Medicare was passed in 1965 it was supposed to cost \$9 billion, and yet in 1990 it was \$106 billion. When Medicaid was passed in 1965 it was supposed to cost \$1 billion, and last year it was \$76 billion. Clinton's health care proposal is supposed to cost \$331 billion. Now put a pencil to that and you will see how it will cost down the road. Maybe trillions of dollars.

We have to have some controls on spending and some accountability, and without the Michel amendment that will not be possible. And the Rules Committee should be taken to task for bringing us another closed rule. And that is one of the things that I have been fighting week in and week out, month in and month out.

Let us have some accountability. Let us have some fairness. Let the Republicans at least have a say.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Illinois [Mr. PORTER].

Mr. PORTER. Mr. Speaker, I thank my distinguished colleague for yielding me the time.

Mr. Speaker, over 1 month ago we enacted our first continuing resolution—it was necessary, we said, to give the Congress a few extra weeks to finish up its business. Reluctantly, this body went along.

After the 3 weeks had run out, we came back last week with our second CR. Unfortunately, we said, we could not quite get our work done and we needed yet another week.

Now we are here again, a full month into the fiscal year, with another CR to extend the Government again for another 2 weeks.

Mr. Speaker, there is a lesson in this, and it is a very simple lesson—CR's are

addictive. Once you take one, you're hooked—they're too easy, too painless. They remove the pain of public condemnation for this Government failing to do its work on time. They are easy to pass because all they do is continue the status quo.

But like most addictive things, CR's are also extremely destructive.

They are destructive of change. This CR, in particular, will allow the Senate to continue its filibuster on grazing fees—to continue to block the wishes of the American people, the President, and this body that an unjustified and unnecessary subsidy be terminated.

CR's are destructive to good government. They wholly undermine the ability of Government to plan in anything remotely resembling a long-range manner. With this CR, some agencies of Government will operate for one-tenth of an entire year on a temporary, contingent basis. They are stuck in a holding pattern. That is wrong, that is inherently contrary to the effort to reinvent Government—to encourage sensible longer range budgeting and planning.

Mr. Speaker, CR's are also destructive in a subtle way to this Government's status. We have come under unprecedented condemnation by the American people. Condemnation for our inefficiency, condemnation for promoting gridlock, condemnation for our basic sloppiness in running our own affairs. This CR reinforces that judgment—it lends fuel to the fire of public opinion that is rapidly destroying the faith of Americans in their institutions of government.

Finally, Mr. Speaker, this CR is destructive to the President himself and the goals he seeks to accomplish. And I would urge the majority party to reflect carefully on this thought.

Our President has many things that he wishes to do, and he has claimed no higher priority than health care reform. But consider for a moment what this CR—and the ones that have preceded it—have done to the prospects for his top priority.

First, his budget was very, very late. When Congress finally completed action on it, the appropriations bills were naturally delayed. Now, some appropriations bills are extremely late. The President has been forced to devote huge amounts of time and attention to the budget as it ran off track and off schedule. The result for him was that he had to divert resources and attention from his health care bill, and delay its introduction. He gave a speech on health care 1 month ago, but we did not get the bill until yesterday, and it is still filled with many unanswered questions. Now, as Halloween, Thanksgiving, and adjournment loom, it is clear that the budget process has eaten the calendar—there will be no action on health care this year. Dealing with it next year, in 1 year, will be difficult and perhaps impossible.

In sum, the President's own top priority has been undermined because the budget process was allowed to ignore the calendar—the law that says it shall be done on time.

Mr. Speaker, we should not allow this and we do not have to let it happen. For today, the answer is to defeat this CR. For next year, the President must take a leadership role. He must—as President Clinton did at my request—insist that he wants a budget resolution on time, a reconciliation bill on time, and 13 separate spending bills on time. He must hold this body's feet to the fire on this issue, and we must kick the habit and allow no more CR's in this administration.

This Mr. Speaker, is the essence of good government. It is the definition of our fundamental responsibility to the American people, and it is high time this body did something to demonstrate that we are, in fact, responsible.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to my distinguished colleague, the gentleman from California [Mr. DREIER], a member of the Committee on Rules who is hardworking, and a brilliant spokesman for the cause.

Mr. DREIER. Mr. Speaker, I thank the extraordinarily adroit floor manager of this rule for yielding me this time, the very incisive gentleman from Sanibel.

As I look over here under the painting of Lafayette, I see the distinguished chairman of the Committee on Appropriations. And it is very sad that we have to proceed with a process that he strongly opposes.

As has been said, we are on the fourth continuing resolution. This is designed to go to November 10.

This is not the proper procedure. The gentleman from Kentucky [Mr. NATCHER] regularly says that he wants to see us proceed under the standard budget procedures of this House, but tragically, tragically we are not doing it with these continuing resolutions.

Now we have made a determination on our side that as we have looked at the fact that we are going ahead with a continuing resolution, we should seize this one opportunity to bring about a modicum of accountability into this process. And that is exactly what our distinguished Republican leader [Mr. MICHEL] and our colleague, the gentleman from Ohio [Mr. HOBSON] are trying to do by forcing us to account for what will be, as the gentleman from Virginia [Mr. BLILEY] said, 14 percent of the gross domestic product here. And that is this health care measure that is under consideration.

I say what we should do is defeat this rule. Let us come back with a package, if we are going to consider a continuing resolution, that at least allows the Republican leader to have his day in court so that this institution can finally be accountable to the people who sent us here.

Mr. GOSS. Mr. Speaker, I yield the balance of our time, 2 minutes, to the distinguished gentleman from Georgia [Mr. GINGRICH], the minority whip.

Mr. GINGRICH. Mr. Speaker, I thank my friend from Florida for yielding me the time. I rise to urge a no vote in order to make the point that the Michel-Hobson amendment should be made in order.

Every Member of our body and every American should understand what the purpose is of the Michel-Hobson amendment which is entitled "The Health Reform Cost Credibility Amendment."

□ 1150

Now, it is based on a very simple premise. If the Government requires you to pay it, if the Government is going to make you take it out of your wallet, if the Government is going to ensure that the money is gone from your choice, if the Government is going to control the expenditure of your money, that is called a tax.

And every time we have had a tax of that kind, we have called it a tax. There is a serious effort under way to disguise the way in which the Clinton health plan creates a massive tax on every working American. And I think it is very, very important that we adopt the Michel-Hobson amendment, which would require budget scorekeeping be honest about taxation. It says something very simple: "(1) any obligation, payroll tax, assessment, premium or fee required of an employer (which may be treated as an ordinary and necessary business expense) or of any other individual and which is to be paid to a particular entity and required to be established pursuant to federal law shall be treated as a federal receipt;"

Now, what that means in everyday ordinary language is if the Government is going to make you pay it, it is a tax, by definition.

There is a grave danger that if we leave this fall without having instructed these bodies to be honest and candid about this tax, that there will be an effort made in Washington to disguise for the American people what is being done.

So I urge my colleagues, vote "no;" give us a chance to offer the Michel-Hobson amendment. Let us be honest with the American people and let us have a health reform cost credibility amendment which makes clear when something is a tax it ought to be scored as a tax. I think it is vital that we pass this.

Mr. MOAKLEY. Mr. Speaker, to close debate for this side, I yield such time as he may consume to the gentleman from Minnesota [Mr. SABO], chairman of the Committee on the Budget.

Mr. SABO. I thank the chairman for yielding to me.

Mr. Speaker, let us be clear about a couple of things. The debate here, what

we have before us, is a rule for the CR. Much of the debate is unrelated to that. I hope people will vote "yes" on that.

Let us deal with the side issue. Let us be clear: The issue is not about honesty and these other adjectives being used. Clearly, we are going to have full debate, full discussion on the merits, the demerits, of the President's health care program. We will have full debate on how it is paid for, between private premiums, between public expenditures, how we control costs, how we provide security to the American people, how we go about the process of providing for universal coverage in this country.

Clearly, that debate has to occur. Projections both for the current years and future years is part of the legitimate debate without being told that some of this is a dishonest plan.

It is an honest plan. We will now examine that through the congressional process. But what folks would like to do is all of a sudden change the description of a tax. All of a sudden, premiums paid by individuals or companies should be called a tax. That clearly is wrong. That are not tax today, they will not be a tax tomorrow.

Mr. GINGRICH. Mr. Speaker, will my friend yield?

Mr. SABO. I would be happy to yield to the gentleman from Georgia.

Mr. GINGRICH. I thank the gentleman for yielding.

The only point I am making, I think Mr. MICHEL and Mr. HOBSON are making, is that if the Government requires you to pay it, it is no longer a voluntary private premium, and we think—I do not think this is a minor thing.

Mr. SABO. I would tell the gentleman in my State, my State requires me to have auto insurance. They do not call that a tax. It is a premium I pay for my auto insurance.

So I would just say to the gentleman from Georgia, I am sure he and I probably disagree on how we should deal with the question of health care reform in this country. That is appropriate. We can debate those conflicting philosophies and conflicting approaches. But let us not start by saying that things are dishonest. That is not the case. We need to debate the pros and cons of the various cost factors in the various programs, their impact on reducing health care cost growth in this country. Those are legitimate debates.

But this early start by saying things are dishonest does a disservice to honest debate on the issue. And somehow to say that we now should change the description of a tax in this country so that private premiums are considered taxes, I frankly think, is simply wrong.

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. SABO. I would be glad to yield to the gentleman from New York.

Mr. SOLOMON. I thank the gentleman for yielding.

Mr. Speaker, this really is not a question of saying something is dishonest.

Mr. SABO. Well, I do not think so, but that is what I was hearing in the rhetoric this morning.

Mr. SOLOMON. It is a question of clarity. Even the Senator from my State, whom you all know, Senator MOYNIHAN, said those figures were all fantasy. So what we are looking for is clarity so the American people can understand and so you and I can understand, that is all.

Mr. SABO. I would respond to my friend from New York, his comments have nothing to do with the proposal that was before the Rules Committee. I think his concern was whether you could actually do Medicare, Medicaid cuts as proposed by the President. That is legitimate debate. It may or may not be. We will have hearings to find out whether those numbers are actual, can they actually be achieved.

Mr. SOLOMON. I would say to the gentleman that he is right, and that is the debate that we should have, but we are being deprived of it. The gentleman has talked about mandates on insurance in his State. That is a State mandate, not a Federal mandate. We are talking about Federal mandates.

Mr. SABO. I would say to the gentleman that the kind of debate on whether the numbers are accurate, those are legitimate debates. The administration begins with what they believe are honest numbers; clearly part of the legislative process is to examine those assumptions.

That process now starts. But that has nothing to do with all of a sudden changing it so that now we are going to say that private health insurance premiums are Federal taxes.

Mr. SOLOMON. The gentleman knows the bill is going to have some single taxpayer provision in there. We know that the second step after this foot-in-the-door is going to be a single-payer tax on all of the American people. That is why we have to be so careful with what we do right now. Let us have the debate on the floor, let us defeat the rule.

Mr. SABO. This is not the time to debate health care. That will occur. The numbers will be examined by a variety of committees. But changing the description of private health insurance premiums to a tax makes utterly no sense.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore (Mr. TORRES). The question is on the resolution.

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

Mr. MOAKLEY. 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 252, nays 170, not voting 11, as follows:

(Roll No. 535)

YEAS—252

Abercrombie	Gejdenson	Moran
Ackerman	Gephardt	Murphy
Andrews (ME)	Geren	Murtha
Andrews (NJ)	Gibbons	Nadler
Andrews (TX)	Glickman	Natcher
Applegate	Gonzalez	Neal (MA)
Bacchus (FL)	Gordon	Neal (NC)
Baesler	Green	Oberstar
Barca	Gutierrez	Obey
Barcia	Hall (OH)	Oliver
Barlow	Hall (TX)	Ortiz
Barrett (WI)	Hamburg	Orton
Becerra	Hamilton	Owens
Beilenson	Harman	Palone
Bevill	Hastings	Parker
Bilbray	Hayes	Pastor
Bishop	Hefner	Payne (NJ)
Blackwell	Hilliard	Payne (VA)
Bonior	Hinchey	Pelosi
Borski	Hoagland	Penny
Boucher	Hochbrueckner	Peterson (FL)
Brewster	Holden	Peterson (MN)
Brooks	Hoyer	Pickett
Browder	Hughes	Pickle
Brown (CA)	Hutto	Pomeroy
Brown (FL)	Insole	Poshard
Brown (OH)	Jefferson	Price (NC)
Bryant	Johnson (GA)	Rahall
Byrne	Johnson (SD)	Rangel
Cantwell	Johnson, E. B.	Reed
Carr	Johnston	Reynolds
Chapman	Kanjorski	Richardson
Clay	Kaptur	Roemer
Clayton	Kennedy	Rose
Clement	Kennelly	Rostenkowski
Clyburn	Kildee	Rowland
Coleman	Klecza	Roybal-Allard
Collins (IL)	Klein	Rush
Collins (MI)	Klink	Sabo
Condit	Kopetski	Sanders
Conyers	Kreidler	Sangmeister
Cooper	LaFalce	Sarpallius
Coppersmith	Lambert	Sawyer
Costello	Lancaster	Schenk
Coyne	Lantos	Schroeder
Cramer	LaRocco	Schumer
Danner	Laughlin	Scott
Darden	Lehman	Serrano
de la Garza	Levin	Sharp
Deal	Lewis (GA)	Shepherd
DeFazio	Lipinski	Sisk
DeLauro	Lloyd	Sisk
Dellums	Long	Skaggs
Derrick	Lowe	Skelton
Deutsch	Maloney	Slatery
Dicks	Mann	Slaughter
Dingell	Manton	Smith (IA)
Dixon	Margolies-	Spratt
Dooley	Mezvinsky	Stark
Durbin	Markey	Stenholm
Edwards (CA)	Martinez	Stokes
Edwards (TX)	Matsui	Strickland
Engel	Mazzoli	Studds
English (AZ)	McCurdy	Stupak
English (OK)	McDermott	Swift
Eshoo	McHale	Synar
Evans	McKinney	Tanner
Farr	McNulty	Taylor (MS)
Fazio	Meehan	Tejeda
Fields (LA)	Meek	Thompson
Filner	Menendez	Thornton
Fingerhut	Mfume	Thurman
Flake	Miller (CA)	Torres
Foglietta	Mineta	Torricelli
Ford (MI)	Minge	Trafficant
Ford (TN)	Mink	Tucker
Frank (MA)	Moakley	Unsoeld
Frost	Mollohan	Valentine
Furse	Montgomery	Velazquez

Vento
Visclosky
Volkmmer
Washington
Waters
Watt

Waxman
Wheat
Whitten
Williams
Wilson
Wise

NAYS—170

Allard	Goodlatte	Molinari
Archer	Goodling	Moorhead
Armey	Goss	Morella
Bachus (AL)	Grams	Myers
Baker (CA)	Grandy	Nussle
Baker (LA)	Greenwood	Oxley
Ballenger	Gunderson	Packard
Barrett (NE)	Hancock	Paxon
Bartlett	Hansen	Petri
Barton	Hastert	Pombo
Bateman	Hefley	Porter
Bentley	Hergert	Portman
Bereuter	Hobson	Pryce (OH)
Billrakis	Hoekstra	Quillen
Bliley	Hoke	Quinn
Blute	Horn	Ramstad
Boehler	Houghton	Ravenel
Boehner	Huffington	Regula
Bonilla	Hunter	Ridge
Bunning	Hutchinson	Roberts
Burton	Hyde	Rogers
Buyer	Inglis	Rohrabacher
Callahan	Inhofe	Ros-Lehtinen
Calvert	Istook	Roth
Camp	Jacobs	Roukema
Canady	Johnson (CT)	Santorum
Castle	Johnson, Sam	Saxton
Coble	Kasich	Schaefer
Collins (GA)	Kim	Schiff
Combest	King	Sensenbrenner
Crane	Kingston	Shaw
Crapo	Klug	Shays
Cunningham	Knollenberg	Shuster
DeLay	Kolbe	Skeen
Diaz-Balart	Kyl	Smith (MI)
Dickey	Lazio	Smith (NJ)
Doolittle	Leach	Smith (TX)
Dornan	Levy	Snowe
Dreier	Lewis (CA)	Solomon
Duncan	Lewis (FL)	Spence
Dunn	Lightfoot	Stearns
Emerson	Linder	Stump
Everett	Livingston	Sundquist
Ewing	Machtley	Talent
Fawell	Manzullo	Taylor (NC)
Fields (TX)	McCandless	Thomas (CA)
Fish	McCollum	Torkildsen
Fowler	McCrery	Upton
Franks (CT)	McDade	Vucanovich
Franks (NJ)	McHugh	Walker
Galleghy	McInnis	Walsh
Gallo	McKeon	Weldon
Gekas	McMillan	Wolf
Gilchrest	Meyers	Young (FL)
Gillmor	Mica	Zeliff
Gilman	Michel	Zimmer
Gingrich	Miller (FL)	

NOT VOTING—11

Berman	McCloskey	Thomas (WY)
Cardin	Royce	Towns
Clinger	Smith (OR)	Young (AK)
Cox	Tauzin	

□ 1219

The Clerk announced the following pair:

On the vote:

Mr. Berman for, with Mr. Smith of Oregon against.

Mr. CHAPMAN changed his vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

□ 1220

GENERAL LEAVE

Mr. NATCHER. Mr. Speaker, I ask unanimous consent that all Members

may have 5 legislative days in which to revise and extend their remarks on the consideration of House Joint Resolution 283, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. TORRES). Is there objection to the gentleman from Kentucky?

There was no objection.

FURTHER CONTINUING APPROPRIATIONS, FISCAL YEAR 1994

Mr. NATCHER. Mr. Speaker, pursuant to House Resolution 287, the rule just adopted, I call up the joint resolution (H.J. Res. 283) making further continuing appropriations for the fiscal year 1994, and for other purposes, and ask for its immediate consideration.

The Clerk read the joint resolution, as follows:

H.J. RES. 283

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That section 106(c) of Public Law 103-88, as amended by Public Law 103-113, is further amended by striking out "October 28, 1993" and inserting in lieu thereof "November 10, 1993".

The SPEAKER pro tempore. Pursuant to House Resolution 287, the gentleman from Kentucky [Mr. NATCHER] will be recognized for 30 minutes, and the gentleman from Pennsylvania [Mr. MCDADE] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. NATCHER].

Mr. NATCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we bring to the House an extension of the continuing resolution.

Last week when we brought out a 1-week extension to the initial continuing resolution, just 2 of our 13 regular appropriations bills had been signed into law. Now nine have been enacted. Two others, energy and water development and the District of Columbia, have been cleared for the President. Interior is pending in the Senate. Both the Defense authorization and appropriation bills are in conference.

Mr. Speaker, we have made good progress. But for one reason or another, we need another extension of the continuing resolution. It is apparent that action on the remaining appropriation bills will not be completed by midnight tonight, the expiration date of the continuing resolution.

To provide time for the Senate to complete action and for the President to review the bills and for conference action to proceed on the Defense bill, this further extension of the continuing resolution is necessary.

The resolution before the House simply extends the present continuing resolution until midnight, November 10. No extraneous provisions are included. This is a clean continuing resolution.

Mr. Speaker, we have continued to work hard, trying to get our conference

reports on our appropriation bills adopted. I want all Members in the House to know that our committee appreciates their cooperation and assistance. We have almost completed our task.

Mr. Speaker, as you and I and other Members know, when the budget is submitted, we divide that budget into 13 parts. They are not equal money-wise. The largest bill money-wise, of course, is Defense. Next we have Labor, Health and Human Services, and Education. Hearings are held, markup decisions are made, we bring bills to the floor and the process continues until conference action is concluded on all 13 bills.

Mr. Speaker, we will have completed action on all appropriation bills now as far as this continuing resolution is concerned by midnight tonight, with the exception of the Interior and Defense bills. Programs in these bills will be the only ones funded by this continuing resolution. We will continue to work hard to get our remaining conference reports on these two appropriation bills adopted.

Mr. Speaker, I want all Members to know that I appreciate their cooperation. We have almost completed our task. This extension is absolutely necessary, and I urge its adoption.

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

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as stated by the chairman, the distinguished gentleman from Kentucky, whom I am privileged to call my friend, while we are close to completing our work on the 13 annual appropriations bills, we are not quite there.

On the House side, what remains to be done is the Defense appropriations conference. As the Members know, our ability to act on that is dependent upon the Defense authorization bill conference, where our colleagues are meeting as we speak.

On the Senate side, there also remains the Interior appropriations conference report, which continues to be tied up due to a filibuster. That is again something over which our committee has no control.

Given this situation, and the fact that the current continuing resolution expires at midnight tonight, we are faced with a choice—extend the CR to allow completion of these two matters, or let the CR expire, and let the chips fall where they may.

Given that choice, I come down on the side of extending the CR, which is not a pleasant or popular course of action, but, in the final analysis, from my point of view the only choice.

There are few things that make the Congress look worse than getting into a situation leading to the shutdown of parts of the Government.

Even if the President were to exercise emergency powers to keep essen-

tial parts of unfunded Departments going, there is always a major degree of confusion accompanying the exercise of those powers, as well as nagging legal questions on the propriety of those powers.

Furthermore, since one of the Departments in question is Defense, there's a certain amount of risk in some kind of partial shutdown.

I will say that if the suggestion I made last week on consideration of the second CR had been adopted, which was to have provided an extra week, through November 5, for Defense to finish, we would not necessarily be in this situation.

Nonetheless, because of the situation we find ourselves in, I will support this simple extension of the continuing resolution through November 10.

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

Mr. NATCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, I hope the continuing resolution is adopted. It is essential that no one who works for this Government or requires services in the Defense Department, the Interior Department, or elsewhere, be put in any jeopardy. It is important that we understand why we need a continuing resolution.

The gentleman from Pennsylvania [Mr. MCDADE] said earlier that he asked for an extra week for the Defense conference. Defense has been complicated by debates over some other issues. Unfortunately, even if we had done that, as the gentleman suggested, we would still have to be here.

Mr. Speaker, people should understand this, because there is a general interest in moving ahead. People do not like continuing resolutions. We have all resolved not to have them, and people should understand one of the reasons we have a continuing resolution is a filibuster in the Senate because people do not want to see higher grazing fees.

Mr. Speaker, that issue is not technically before us, but it is directly relevant to the issue of grazing fees. But it is relevant for people to understand that one reason we need a continuing resolution, and in fact we would have needed one even if we had acceded to the sensible suggestion of the gentleman from Pennsylvania [Mr. MCDADE], is that a minority of Members of the U.S. Senate believe that they have the right under the Senate rules to talk to death an effort to raise grazing fees.

Mr. Speaker, the majority in both Houses and the President of the United States are in favor of some increase in grazing fees. But under the rules that apply, if you do not get 60 of the 100 Senators to shut off debate, the bill cannot come to a vote. So we are here dealing with a continuing resolution in

substantial part because the minority of Senators are using the filibuster rule on behalf of higher grazing fees.

□ 1230

I would hope that this is the last time that the Congress would be forced into a continuing resolution because of that. I would hope that we would see changes in procedures. It certainly is hardly radical to suggest that majority rule ought to be the ultimate guide in the Congress of the United States, but we are here today dealing with the Interior Department not because of any failure here in the House, not because the subcommittee chairmen and the committee chairmen, who do excellent work, did not do their jobs, not because the conference committee could not come to an agreement. They did. But despite the agreement of the conference committee, the support of the majority and the support of the President, we cannot get a conference report adopted because the minority is allowed to talk and talk and talk and to prevent that vote.

That is not a situation that should be allowed to continue. I would hope we will not for much longer have to see the will of the President of the United States and majorities in both Houses frustrated by this kind of tactic.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GLICKMAN). The Chair would remind Members of rule XIV in the House Rules on Decorum in Debate, that when Members discuss action or inaction of the other body relating to the pendency of a measure, it should be discussed in a factual way without characterizing the nature of those kinds of actions.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Mr. Speaker, did anything in what I said violate that rule?

The SPEAKER pro tempore. When the gentleman referred to the other body, a few Members talking to death a proposal, the gentleman was characterizing, in the judgment of the Chair, the filibuster rules.

Mr. FRANK of Massachusetts. Mr. Speaker, further parliamentary inquiry, if I had said, if I had factually said, and I apologize for mentioning that the Senate was talking something to death, if I had simply said factually that a number of Senators, who happened to be in the minority, as a matter of fact, chose to talk and talk and talk with the purpose of preventing a vote, that would simply be factual. Would that be acceptable under the rules?

The SPEAKER pro tempore. The Chair does not have to rule hypothetically on the issue. The Chair wanted to bring the matter of the rule to Members' attention.

Mr. FRANK of Massachusetts. Mr. Speaker, I appreciate that the Chair need not rule hypothetically. I thought that the comment might have had something to do with what I said, but I will take into account the Chair's injunction. And when Senators are trying to talk and talk to prevent the bill from coming to a vote, because they would be outvoted, I will simply refer to that fact, and I will not characterize it according to any question about the principle of majority rule in the future.

The SPEAKER pro tempore. The Chair thanks the gentleman from Massachusetts for his understanding of the Chair's concern.

Mr. MCDADE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to start by praising the chairman of the Committee on Appropriations and the ranking member. These are two men, in the few months I have been here in this Congress, who in my view have had in mind the idea that we need to pass our appropriations and we need to get them over to the Senate, to the White House and to get them done in a timely fashion.

Having said that, we still are passing, I guess, our third continuing resolution. By the time it is expired, we are going to be 6 weeks or so beyond the beginning of the fiscal year. It just introduces something that bothered me back before I came to Congress. And I think it bothers a lot of people in the United States of America, which is not really at fault here in the House of Representatives this year, which may be at fault in the Senate, may be at fault in the White House, but I think it is more at fault in the system which we use to go through our appropriation processes and our budget processes here in the Congress of the United States.

We seem to have no intention of being able to actually meet these deadlines or no definition that if that does not happen that it can bode ill to the United States of America.

We lack other processes I would like to see such as a balanced budget amendment, a line-item veto. I think it is very significant that we in this Congress of the United States concentrate on the fact that we are not passing our budget in time, that the continuing resolution is just that. It is not a final determination of what the expenditures are going to be.

We are already into the fiscal year. Decisions are being made. Planning cannot be carried out properly and appropriately. We have spent, I do not know what percentage of our time in

this year on the appropriation and budget process, but it is a huge percentage of our time. Perhaps we can just take the whole schedule and move it up to an earlier time so that we can consider this in a timely fashion and, in the future, do what so many of the States and local governments do across the United States of America, make absolutely sure that when midnight tolls on the day a fiscal year begins that we have a budget in place.

We are soon going to have the opportunity to consider a reduction in the budget expenditures and even an amendment that will exceed that, which I hope will also be given full consideration by this body. If there is nothing else that we do in the course of a year, Mr. Speaker, I would hope that we develop a budget discipline and we develop a knowledge of what these programs are, what they mean to the United States of America, what they actually cost, how we reduce some of that cost and make the process of running this Federal Government more streamlined than it is today.

I agree with what I have heard today. We probably have no other choice to pass this. But I would hope in the future we will be able to avoid it.

Mr. FAZIO. Mr. Speaker, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from California.

Mr. FAZIO. Mr. Speaker, I appreciate the gentleman's point, and I am sure, as a Governor of a State that probably, if not always, had its budget passed on time, this may seem like an untidy process for him. But I did think it was important to point out that for the first time in many, many years, the outgoing President did not present the incoming President with a budget.

Now, even though their priorities may have differed on the margins, and we know when we are talking about budgets, it is always on the margins, we found that this President was required to build from the bottom up and, therefore, delay the introduction of his budget well beyond the February 1 deadline. I think that has contributed greatly to the delay that we are meeting today.

Mr. MCDADE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. NATCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 287, the previous question is ordered on the joint resolution.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

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

Mr. WALKER. 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 256, nays 157, not voting 20, as follows:

[Roll No. 536]
YEAS—256

Abercrombie	Ford (MI)	McKinney
Ackerman	Ford (TN)	McNulty
Andrews (ME)	Frank (MA)	Meehan
Andrews (NJ)	Frost	Meek
Andrews (TX)	Furse	Menendez
Applegate	Gejdenson	Mfume
Bacchus (FL)	Gephardt	Miller (CA)
Baesler	Geren	Mineta
Barca	Gibbons	Minge
Barcia	Glickman	Mink
Barlow	Gonzalez	Moakley
Barrett (WI)	Harman	Mollohan
Bateman	Green	Montgomery
Becerra	Gutierrez	Morella
Bellenson	Hall (OH)	Murphy
Bevill	Hall (TX)	Murtha
Bilbray	Hamburg	Myers
Bishop	Hamilton	Nadler
Blackwell	Harman	Natcher
Bonior	Hastings	Neal (MA)
Borski	Hayes	Neal (NC)
Boucher	Hefner	Oberstar
Brewster	Hilliard	Obey
Brooks	Hinchee	Oliver
Browder	Hoagland	Ortiz
Brown (CA)	Hochbrueckner	Orton
Brown (FL)	Holden	Owens
Brown (OH)	Hoyer	Pallone
Bryant	Hughes	Parker
Byrne	Hutto	Pastor
Cantwell	Insee	Payne (NJ)
Carroll	Jefferson	Payne (VA)
Chapman	Johnson (GA)	Pelosi
Clayton	Johnson (SD)	Penny
Clement	Johnson, E. B.	Peterson (FL)
Clyburn	Johnston	Pickle
Coleman	Kanjorski	Pomeroy
Collins (IL)	Kennedy	Price (NC)
Collins (MI)	Kennelly	Rahall
Condit	Kildee	Rangel
Conyers	Kleczka	Reed
Cooper	Klein	Regula
Coppersmith	Klink	Reynolds
Coyne	Kopetski	Richardson
Cramer	Kreidler	Roemer
Danner	LaFalce	Rogers
Darden	Lambert	Rose
de la Garza	Lancaster	Rostenkowski
Deal	Lantos	Rowland
DeFazio	LaRocco	Roybal-Allard
DeLauro	Laughlin	Sabo
Dellums	Lehman	Sanders
Derrick	Levin	Sangmeister
Deutsch	Lewis (GA)	Sarpalius
Dicks	Lipinski	Sawyer
Dingell	Livingston	Schenk
Dixon	Lloyd	Schiff
Dooley	Long	Schumer
Durbin	Lowe	Scott
Edwards (CA)	Maloney	Serrano
Edwards (TX)	Mann	Sharp
Engel	Manton	Shepherd
English (AZ)	Margolies-	Sisisky
English (OK)	Mezvinsky	Skaggs
Eshoo	Markey	Skeen
Evans	Martinez	Skelton
Farr	Matsui	Slattery
Fazio	Mazzoli	Slaughter
Fields (LA)	McCloskey	Smith (IA)
Filner	McCurdy	Smith (NJ)
Fingerhut	McDade	Spratt
Flake	McDermott	Stark
Foglietta	McHale	Stenholm

Stokes
Strickland
Studds
Stupak
Swett
Swift
Synar
Talent
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton

Thurman
Torres
Torricelli
Traficant
Tucker
Unsoeld
Valentine
Velazquez
Vento
Visclosky
Volkmer
Washington
Waters

Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Young (FL)

NAYS—157

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentley
Bereuter
Billrakis
Billey
Blute
Boehert
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Coble
Collins (GA)
Combest
Costello
Crane
Crapo
Cunningham
DeLay
Diaz-Balart
Dickey
Doolittle
Dorman
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas

Gilchrest
Gillmor
Gilman
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hancock
Hastert
Hefley
Herger
Hobson
Hoekstra
Hoke
Huffington
Hunter
Hutchinson
Hyde
Inglis
Inhofe
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klingston
Klug
Knollenberg
Kolbe
Kyl
Lazio
Leach
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Manzullo
McCandless
McCollum
McCrery
McHugh
McInnis
McKeon
McMillan
Meyers
Mica

Michel
Miller (FL)
Molinari
Moorhead
Nussle
Packard
Paxon
Petri
Pickett
Pombo
Porter
Portman
Poshard
Pryce (OH)
Quillen
Quinn
Ramstad
Ravenel
Ridge
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Rush
Santorum
Saxton
Schaefer
Schroeder
Sensenbrenner
Shaw
Shays
Shuster
Smith (MI)
Smith (TX)
Snowe
Solomon
Spence
Stearns
Stump
Sundquist
Taylor (NC)
Thomas (CA)
Thomas (WY)
Torkildsen
Upton
Vucanovich
Walker
Walsh
Weldon
Zimmer

NOT VOTING—20

Berman
Cardin
Clay
Clinger
Cox
Hansen
Horn

Houghton
Kaptur
Machtley
Moran
Oxley
Peterson (MN)
Royce

Smith (OR)
Tauzin
Towns
Woolsey
Young (AK)
Zeliff

□ 1255

The Clerk announced the following pair:

On this vote:

Mr. Berman for, with Mr. Smith of Oregon against.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOUGHTON. Mr. Speaker, I was unavoidably detained and did not vote on rollcall 536. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Ms. WOOLSEY. Mr. Speaker, I was unavoidably detained in a committee hearing and missed rollcall vote 536, a vote on final passage for House Joint Resolution 283. Had I been present, I would have voted "aye."

LUMBEE RECOGNITION ACT

Mr. HALL of Ohio. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 286 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 286

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. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 2(1)(2)(B) of rule XI 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 Natural Resources. After general debate the bill shall be considered for amendment under the five-minute rule. Each section shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendment as may have been adopted. 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.

The SPEAKER pro tempore (Mr. GLICKMAN). The gentleman from Ohio [Mr. HALL] is recognized for 1 hour.

Mr. HALL of Ohio. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee [Mr. QUILLIN], pending which I yield myself such time as I may consume. During consideration of this resolution, all time that is yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 286 is an open rule providing for the consideration of H.R. 334, the Lumbee Recognition Act. The rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Natural Resources. The rule also waives all points of order against consideration of the bill for failure to comply with the provisions of clause 2(1)(2)(B) of rule XI, requiring the report to include the total number of votes cast for and against when reporting a measure by rollcall. Mr. Speaker,

this is a minor waiver to allow us to bring up the bill even though the roll-call was inadvertently omitted from the committee report.

Under the rule, the bill shall be considered for amendment under the 5-minute rule and each section shall be considered as having been read. Finally, the rule provides one motion to recommit.

Mr. Speaker, H.R. 334 is an important and long overdue bill which extends Federal recognition to the Lumbee Tribe of Cheraw Indians of North Carolina. Because the Lumbee Tribe has never received Federal recognition, the tribe and its members, are not eligible for services provided by the Bureau of Indian Affairs and the Indian Health Service. This bill simply provides that Federal laws and regulations generally applicable to Indian tribes will also apply to the Lumbee Tribe and its members. In addition, the Lumbee Tribe and its members will be eligible for the services and benefits provided to federally recognized tribes, when funds are specifically appropriated for this purpose.

Mr. Speaker, H.R. 334 is the result of hearings and many careful consultations. I am pleased that we have an open rule which was unanimously

passed in the Rules Committee by a voice vote. I urge my colleagues to adopt it.

□ 1300

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Ohio [Mr. HALL] has ably explained the provisions of the rule, and I support this rule. I am also a strong supporter of the Lumbee Indian Recognition Act.

Mr. Speaker, these native Americans have been denied the opportunity to apply for tribal recognition through the Bureau of Indian Affairs Federal acknowledgment process because of a provision included in a 1956 law. Some will argue that we should remove this ban rather than have the Congress grant tribal recognition. Well, Mr. Speaker, the Lumbee Indians have been waiting almost 40 years and the ban has not been removed. I do not think they should have to wait any longer.

Under this open rule, Members who have concerns over the provisions of this bill will have the opportunity to fully participate in the amendment process.

The Lumbee Indians are a group of some 40,000 native Americans. Why do we not recognize them? Recognition is long overdue.

Mr. Speaker, I handled the rule on the floor of the House in the last session, and we passed this measure overwhelmingly. But the Senate did not take it up. We are back again. I hope the House will again pass this bill.

Mr. Speaker, I urge support of the rule.

OPEN VERSUS RESTRICTIVE RULES 95TH-103D CONG.

Congress (years)	Total rules granted ¹	Open rules		Restrictive rules	
		Number	Percent ²	Number	Percent ³
95th (1977-78)	211	179	85	32	15
96th (1979-80)	214	161	75	53	25
97th (1981-82)	120	90	75	30	25
98th (1983-84)	155	105	68	50	32
99th (1985-86)	115	65	57	50	43
100th (1987-88)	123	66	54	57	46
101st (1989-90)	104	47	45	57	55
102d (1991-92)	109	37	34	72	66
103d (1993-94)	41	11	27	30	73

¹Total rules counted are all order of business resolutions reported from the Rules Committee which provide for the initial consideration of legislation, except rules on appropriations bills which only waive points of order. Original jurisdiction measures reported as privileged are also not counted.

²Open rules are those which permit any Member to offer any germane amendment to a measure so long as it is otherwise in compliance with the rules of the House. The parenthetical percentages are open rules as a percent of total rules granted.

³Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules, as well as completely closed rule, and rules providing for consideration in the House as opposed to the Committee of the Whole. The parenthetical percentages are restrictive rules as a percent of total rules granted.

⁴Sources "Rules Committee Calendars & Surveys of Activities," 95th-102d Cong., "Notices of Action Taken," Committee on Rules, 103d Cong., through Oct. 27, 1993.

OPEN VERSUS RESTRICTIVE RULES: 103D CONG.

Rule number date and reported	Rule type	Bill number and subject	Amendments submitted	Amendments allowed	Disposition of rule and date
H. Res. 58, Feb. 2, 1993	MC	H.R. 1: Family and medical leave	30 (D-5; R-25)	3 (D-0; R-3)	PQ: 246-176. A 259-164. (Feb. 3, 1993).
H. Res. 59, Feb. 3, 1993	MC	H.R. 2: National Voter Registration Act	19 (D-1; R-18)	1 (D-0; R-1)	PQ: 248-171. A 249-170. (Feb. 4, 1993).
H. Res. 103, Feb. 23, 1993	C	H.R. 920: Unemployment compensation	7 (D-2; R-5)	0 (D-0; R-0)	PQ: 243-172. A 237-178. (Feb. 24, 1993).
H. Res. 106, Mar. 2, 1993	MC	H.R. 20: Hatch Act amendments	9 (D-1; R-8)	3 (D-0; R-3)	PQ: 248-166. A 249-163. (Mar. 3, 1993).
H. Res. 119, Mar. 9, 1993	MC	H.R. 4: NIH Revitalization Act of 1993	13 (4-4; R-9)	8 (D-3; R-5)	PQ: 247-170. A 248-170. (Mar. 10, 1993).
H. Res. 132, Mar. 17, 1993	MC	H.R. 1335: Emergency supplemental Appropriations	37 (D-8; R-29)	1 (not submitted) (D-1; R-0)	A 240-185. (Mar. 18, 1993).
H. Res. 133, Mar. 17, 1993	MC	H. Con. Res. 64: Budget resolution	14 (D-2; R-12)	4 (1-D not submitted) (D-2; R-2)	PQ: 250-172. A 251-172. (Mar. 18, 1993).
H. Res. 138, Mar. 23, 1993	MC	H.R. 670: Family planning amendments	20 (D-8; R-12)	9 (D-4; R-5)	PQ: 252-164. A 247-169. (Mar. 24, 1993).
H. Res. 147, Mar. 31, 1993	C	H.R. 1430: Increase Public debt limit	6 (D-1; R-5)	0 (D-0; R-0)	PQ: 244-168. A 242-170. (Apr. 1, 1993).
H. Res. 149 Apr. 1, 1993	MC	H.R. 1578: Expedited Rescission Act of 1993	8 (D-1; R-7)	3 (D-1; R-2)	A 212-208. (Apr. 28, 1993).
H. Res. 164, May 4, 1993	O	H.R. 820: Nate Competitiveness Act	NA	NA	A Voice Vote. (May 5, 1993).
H. Res. 171, May 18, 1993	O	H.R. 873: Gallatin Range Act of 1993	NA	NA	A Voice Vote. (May 20, 1993).
H. Res. 172, May 18, 1993	O	H.R. 1159: Passenger Vessel Safety Act	NA	NA	A 308-0 (May 24, 1993).
H. Res. 173 May 18, 1993	O	S.J. Res. 45: United States forces in Somalia	6 (D-1; R-5)	6 (D-1; R-5)	A Voice Vote (May 20, 1993).
H. Res. 183, May 25, 1993	O	H.R. 2244: 2d supplemental appropriations	NA	NA	A 251-174. (May 26, 1993).
H. Res. 186, May 27, 1993	MC	H.R. 2264: Omnibus budget reconciliation	51 (D-19; R-32)	8 (D-7; R-1)	PQ: 252-178. A 236-194 (May 27, 1993).
H. Res. 192, June 9, 1993	MC	H.R. 2348: Legislative branch appropriations	50 (D-6; R-44)	6 (D-3; R-3)	PQ: 240-177. A 226-185. (June 10, 1993).
H. Res. 193, June 10, 1993	O	H.R. 2200: NASA authorization	NA	NA	A Voice Vote. (June 14, 1993).
H. Res. 195, June 14, 1993	MC	H.R. 5: Striker replacement	7 (D-4; R-3)	2 (D-1; R-1)	A 244-176. (June 15, 1993).
H. Res. 197, June 15, 1993	MO	H.R. 2333: State Department. H.R. 2404: Foreign aid	53 (D-20; R-33)	27 (D-12; R-15)	A 294-129. (June 16, 1993).
H. Res. 199, June 16, 1993	C	H.R. 1876: Ext. of "Fast Track"	NA	NA	A Voice Vote. (June 22, 1993).
H. Res. 200, June 16, 1993	MC	H.R. 2295: Foreign operations appropriations	33 (D-11; R-22)	5 (D-1; R-4)	A 263-160. (June 17, 1993).
H. Res. 201, June 17, 1993	O	H.R. 2403: Treasury-postal appropriations	NA	NA	A Voice Vote. (June 17, 1993).
H. Res. 203, June 22, 1993	MO	H.R. 2445: Energy and Water appropriations	NA	NA	A Voice Vote. (June 23, 1993).
H. Res. 206, June 23, 1993	O	H.R. 2150: Coast Guard authorization	NA	NA	A 401-0. (July 30, 1993).
H. Res. 217, July 14, 1993	MO	H.R. 2010: National Service Trust Act	NA	NA	A 261-164. (July 21, 1993).
H. Res. 218, July 20, 1993	O	H.R. 2530: BLM authorization, fiscal year 1994-95	NA	NA	
H. Res. 220, July 21, 1993	MC	H.R. 2667: Disaster assistance supplemental	14 (D-8; R-6)	2 (D-2; R-0)	PQ: 245-178. F. 205-216. (July 22, 1993).
H. Res. 226, July 23, 1993	MC	H.R. 2667: Disaster assistance supplemental	15 (D-8; R-7)	2 (D-2; R-0)	A 224-205. (July 27, 1993).
H. Res. 229, July 28, 1993	MO	H.R. 2330: Intelligence Authority Act, fiscal year 1994	NA	NA	A Voice Vote. (Aug. 3, 1993).
H. Res. 230, July 28, 1993	O	H.R. 1964: Maritime Administration authority	NA	NA	A Voice Vote. (July 29, 1993).
H. Res. 246, Aug. 6, 1993	MO	H.R. 2401: National Defense authority	149 (D-109; R-40)		A 246-172. (Sept. 8, 1993).
H. Res. 248, Sept. 9, 1993	MC	H.R. 1340: National defense authorization	12 (D-3; R-9)	1 (D-1; R-0)	PQ: 237-169. A 234-169. (Sept. 13, 1993).
H. Res. 250, Sept. 13, 1993	MC	H.R. 2401: National Defense Act	91 (D-67; R-24)		A 213-151-1. (Sept. 14, 1993).
H. Res. 254, Sept. 22, 1993	MO	H.R. 1845: National Biological Survey Act	NA	NA	A 241-182. (Sept. 28, 1993).
H. Res. 262, Sept. 28, 1993	O	H.R. 2351: Arts, humanities, museums	7 (D-0; R-7)	3 (D-0; R-3)	PQ: 240-185. A 225-195. (Oct. 14, 1993).
H. Res. 264, Sept. 28, 1993	MC	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	A Voice Vote. (Oct. 15, 1993).
H. Res. 265, Sept. 29, 1993	MC	H.R. 2739: Aviation infrastructure investment	NA	NA	A 239-150. (Oct. 15, 1993).
H. Res. 269, Oct. 6, 1993	MO	H.R. 3167: Unemployment compensation amendments	3 (D-1; R-2)	2 (D-1; R-1)	PQ: 235-187. F. 149-254. (Oct. 14, 1993).
H. Res. 273, Oct. 12, 1993	MC	H.R. 1804: Goals 2000 Educate America Act	15 (D-7; R-7; L-1)	10 (D-7; R-3)	A Voice Vote. (Oct. 13, 1993).
H. Res. 274, Oct. 12, 1993	MC	H.J. Res. 281: Continuing appropriations through Oct. 28, 1993	NA	NA	A Voice Vote. (Oct. 21, 1993).
H. Res. 282, Oct. 20, 1993	C	H.R. 334: Lumbee Recognition Act	NA	NA	
H. Res. 286, Oct. 27, 1993	O	H.J. Res. 283: Continuing appropriations resolution	1 (D-0; R-0)	0 (D-0; R-0)	
H. Res. 287, Oct. 27, 1993	C				

Note.—Code: C-Closed; MC-Modified closed; MO-Modified open; O-Open; D-Democrat; R-Republican; PQ: Previous question; A-Adopted; F-Failed.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I have no requests for time, and I move

the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GLICKMAN). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 286 and rule XXIII, 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. 334.

The Chair designates the gentleman from Florida [Mr. PETERSON] as Chairman of the Committee on the Whole, and requests the gentleman from Florida [Mr. HASTINGS] to assume the chair temporarily.

□ 1302

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. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, with Mr. HASTINGS (chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from New Mexico [Mr. RICHARDSON] will be recognized for 30 minutes, and the gentleman from Wyoming [Mr. THOMAS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. RICHARDSON].

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

Mr. Chairman, H.R. 334 sponsored by Mr. ROSE of North Carolina extends Federal recognition to the Lumbee Band of Cheraw Indians. This recognition is a formal acknowledgment of a government-to-government relationship between the United States and an Indian tribal government.

In the history of this country, Congress has never enacted a law on how to recognize an Indian tribe. Instead, as we moved West, we entered into treaties with tribes and exchanged promises for land cessions.

However, as the 20th century draws to a close, we are looking at eastern tribes that existed before westward expansion. For survival reasons, these tribes took on the ways of non-Indians, but they maintained distinct Indian communities. Although the communities surrounding these tribes knew they were Indians, and generally the State governments recognized these groups as Indians, the Federal Government neglected to acknowledge these groups as Indian tribes.

Usually, the United States waits until these groups have some threat to hold over the Federal Government's head. For example, in the late 1970's, tribes in Maine who had not enjoyed a relationship with the Federal Government for over 100 years sued for two-thirds of Maine and won. Only then

were these tribes granted a large monetary settlement and Federal recognition.

It is ironic that we only recognize Indian tribes when we need something from the tribe or we owe them something under a court order. The irony is these people have always been Indian, have suffered discrimination because their skin is dark, but they are not legally Indian until the Federal Government says they are.

The Lumbee Indians do not have a land claim, nor is there a court ordered settlement, nor do we need or want their land. So why are we seeking to extend Federal recognition today? For a reason that is unusual in this country but it is the best reason, because they are Indians.

The Lumbee have always had a distinct Indian community. The State of North Carolina acknowledged them as a tribe in 1885. In 1912, 1914, and 1933, the Interior Department concluded that the Lumbee were Indians, existing as a separate and independent community.

The Lumbee have tried to get recognized by Congress in the past. Unfortunately, at the end of the 19th century and the beginning of the 20th, congressional policy was to assimilate Indians into society and recognitions were difficult if not impossible. In the 1950's, when Congress was terminating Indian tribes, the Lumbee again sought Federal recognition. In 1956, the Lumbee recognition bill was passed by Congress but it was amended at the request of the Interior Department to prohibit Federal services to the Lumbee people. In a sense, the 1956 act recognized and terminated the Lumbee in the same legislation.

H.R. 334 corrects this historical wrong. It amends the 1956 act and grants full tribal status to the Lumbee Indians. However, under the bill the Lumbee must obtain appropriations separate from the outlays for other federally recognized tribes.

Congressional action is needed to recognize the Lumbee. The Interior Department's Solicitor concluded in 1989 that the tribe is not eligible to go through the Bureau of Indian Affairs Federal Acknowledgment Process because of the prohibitions in the 1956 act.

However, even if the Lumbee could go through the BIA's process, it would choose not to. The administrative recognition process is flawed. Over 120 requests for recognition sit at the BIA, and only 8 tribes have ever made it through the process. It has become so difficult to get through this system that it is doubtful that existing tribes could survive the BIA's recognition process.

But it should be noted that the administration has no objection to this bill and we intend to work with the Interior Department and the minority to improve the process.

We are all in agreement that we need to reform this Federal acknowledgment process. But today we have the opportunity to undo one injustice inflicted by the United States.

We can recognize these people for what they are and what they always have been—an Indian tribe. It is the duty of the Congress and the President to recognize this group and restore the government-to-government relationship.

Finally, Dr. William Sturtevant, a noted scholar and general editor of the Smithsonian Institution's "Handbook of North American Indians," has written the following:

It is clear that the Lumbee have those characteristics that identify an Indian tribe. Certainly anthropologists who have looked into the case over the last century or so agree that they are an Indian tribe; no anthropologist has denied it.

Mr. Chairman, this is an Indian tribe. They have suffered discrimination because of being Indian. They have been denied recognition of their heritage by this Government. We must right this wrong.

I urge my colleagues to support this bill.

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

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in strong opposition, to H.R. 334 in its present form.

H.R. 334 presents this Congress with one of the most difficult public policy issues in Indian affairs: In which cases, if any, should we exercise our authority to extend Federal recognition to a group seeking formal acknowledgments as an Indian tribe outside the established administrative process? We have been asked repeatedly to consider the issue of recognition in one form or another of the Lumbee Indians of Robeson County, NC. So far, we have declined to exercise that authority in their regard. The proponents of this bill present no compelling justification why we should depart from that well-reasoned course now.

H.R. 334 would legislatively extend Federal recognition to the Lumbee Indians of North Carolina, thereby circumventing the established Bureau of Indian Affairs administrative procedure through which all other nonrecognized Indian groups must pass. This procedure—called the Federal acknowledgment process [FAP]—was established in 1978 at the request of the American Indian Policy Review Commission, the National Congress of American Indians, and Members of both the House and Senate, all of whom decried the arbitrary and excessively political approaches to tribal recognition then prevalent in Congress and the lack of systematic and uniform set of criteria in this body to determine tribal status. Under the FAP,

tribes seeking Federal recognition must submit a detailed petition which is then evaluated by a team of Bureau of Indian Affairs [BIA] anthropologists, ethnohistorians, and other experts. The BIA subsequently establishes whether the petitioner meets seven criteria used to determine if the group is indeed an Indian tribe. This recognition of tribal status is a prerequisite to the tribe's and its members' receipt of the services offered by the BIA.

The Lumbee and their supporters, however, argue that they should be allowed to bypass these regulations and that Congress should recognize them legislatively. First, they contend that prior legislation—the 1956 Lumbee Act—both recognized the group and preclude them from applying for recognition under the FAP. Second, they maintain that they are justified in bypassing the FAP because the process is cumbersome and ineffective. Finally, they assert that passage of the bill is consistent with recent actions of Congress in enacting recognition legislation.

Their arguments, though, are tenuous at best, and actually militate against the bill and in favor of less precipitous legislative solutions. The 1956 Lumbee Act did not in any way extend Federal recognition to the Lumbee. Rather, it was merely a commemorative bill designating this group of Indians by a particular name. This interpretation is borne out by the wording of the act, itself, the legislative history, contemporary news reports, the Federal courts, and other authorities. While the act can be read as precluding the Lumbee from petitioning for recognition, the logical solution to that impediment—and one requested by past Solicitors at the Interior Department—is to amend the act to remove the bar rather than to bypass completely the FAP. I will be offering an amendment shortly to do just that.

The second argument, that the Lumbee should be allowed to bypass the FAP process because it is too cumbersome and backlogged, is equally specious. While the BIA recognition process is in need of repair, it is not as feckless as the majority would have us believe. There is only a backlog of—at most—8 petitions, not the 120 cases often cited; and while I concede that the process is imperfect, the most rational solution is to fix it. Continuously seeking to bypass the process only ignores the problem, undermines the role of the BIA, and is unfair to both the recognized and unrecognized tribes.

Finally, the Lumbee assert that approval of this bill is simply consistent with congressional precedent. The examples of legislation they cite to support this proposition, however, are either not recognition legislation or are easily distinguishable from the Lumbee case and therefore of no precedential value.

Mr. Chairman, so that the Members of the House can fully understand the magnitude of the issues presented by H.R. 334, a brief background on the importance of Federal recognition is in order. The question of whether a native American group constitutes an Indian tribe is one of immense significance in the field of Federal Indian law. Because Congress' power to legislate for the benefit of Indians is limited by the Constitution to Indian tribes, for most Federal purposes it is not enough that an individual simply be an Indian to receive the protections, services, and benefits offered to Indians; rather, the individual must also be a member of an Indian tribe. Though it might seem to the layperson that there is only one kind of Indian tribe, for purposes of American Indian law there are actually two—those that are recognized by the Federal Government and those that are not.

"Recognized" is more than a simple adjective; it is a legal term of art. It means that the Government acknowledges as a matter of law that a particular native American group is a tribe by conferring a specific legal status on that group, thus bringing it within Congress' legislative powers. This Federal recognition is no minor step. A formal, political act, it permanently establishes a government-to-government relationship between the United States and the recognized tribe as a "domestic dependent nation," and imposes on the Government a fiduciary trust relationship to the tribe and its members. Concomitantly, it institutionalizes the tribe's quasi-sovereign status, along with all the powers accompanying that status such as the power to tax, and to establish a separate judiciary. Finally, it imposes upon the Secretary of the Interior specific obligations to provide a panoply of benefits and services to the tribe and its members. In other words, unequivocal Federal recognition of tribal status is a prerequisite to receiving the services provided by the Department of the Interior's Bureau of Indian Affairs [BIA], and establishes tribal status for all Federal purposes.

Prior to the 1930's Federal recognition of tribes took many forms: Congressionally sanctioned treaties, court cases, administrative decisions, and executive orders—and "was essentially sporadic, or, at best * * * plagued with all sorts of pitfalls and a lack of a systematic approach. * * *" Instead of a process based on a well-reasoned set of standardized criteria, the granting of recognition was, by all accounts, nothing better than arbitrary and excessively political. In 1871, Congress provided that no tribe could thereafter be recognized as an independent sovereign entity with which the United States could conclude a treaty. Similarly, in 1919 Congress retired another method of recognizing an indigenous group as a

tribe when it prohibited the President from creating reservations by Executive order. Thus, by the early 1900's, this curtailment of available avenues of dealing with the tribes, coupled with the growing involvement of the BIA in managing the daily affairs of the tribes, meant that Congress had effectively delegated—either explicitly or implicitly—much of its authority over Indian matters to the BIA.

Those agencies, however, continued to deal with the tribes in a somewhat desultory fashion. The early principles of administrative recognition were based on a Supreme Court decision which offered a rather vague guide to defining a tribe. In an effort to remedy this disorganization, in 1942 the Solicitor of the BIA, Felix Cohen, first proposed a workable set of criteria designed to provide a uniform framework for tribal recognition. The so-called Cohen criteria considered both the tribal character of the native group and any previous Federal actions treating it as a tribe. However, application of the criteria proved to be no less haphazard than the process they replaced. Besides the Cohen criteria, the BIA relied on a patchwork mixture of court opinions, limited statutory guidance, treaty law, and evolving departmental policy and practice. Thus by 1975, faced with a steadily increasing number of groups seeking recognition, the BIA held in abeyance further acknowledgment decisions pending the development of regulations for a systematic and uniform procedure to recognize Indian tribes.

About this same time the congressionally established American Indian Policy Review Commission [AIPRC] proposed the formation of a firm legal foundation for the establishment and recognition of tribal relationships with the United States, and the adoption of a "valid and consistent set of factors applied to every Indian tribal group. * * *" Joining the chorus for standardization was the National Congress of American Indians, which called for a "valid and consistent set of criteria applied to every group which petitions for recognition * * * based on ethnological, historical, legal, and political evidence." Senator James Abourezk, AIRPC's chairman, took the issue to the floor of the Senate, and introduced legislation calling for the establishment of an office in the BIA to handle recognition petitions in a uniform way.

In 1978, the Interior Department, after exhaustive consultations with Indian country, established procedures to provide a uniform approach to the recognition process. Called the Federal acknowledgement process [FAP], the regulations set forth seven criteria a petitioning group must meet to be deemed

a "recognized" tribe. The BIA FAP office is staffed by two teams of professionals including historians, genealogists, ethnologists, and anthropologists. These teams do exhaustive research on the petitions they receive, and examine such factors as Indian identity and community, as well as political and cultural cohesiveness. Once a petition is received it is reviewed for any obvious deficiencies. These are noted for the tribe, which is given the opportunity to supply additional material to supplement its petition. The petitions are then placed on active consideration in the order received. Since 1978, 8 tribes have been administratively recognized, 14 have been denied recognition, 1 has had a proposed negative finding and another a proposed positive finding of tribal status. Several others, including the Lumbee, have filed petitions which are in various stages of movement through the FAP process.

H.R. 334 seeks to legislatively extend Federal recognition to a group of Indians in North Carolina, completely bypassing the established BIA FAP process. The bill's proponents take great pains to posit that the Lumbee meet all the criteria used by the BIA in determining tribal status. However, while the proponents' remarks on this bill, as well as the majority's report, focus extensively on their highly subjective judgments about whether the Lumbee people meet these criteria, I decline to engage in debate over this emotional topic since it is largely irrelevant in terms of my position on this legislation. I do not argue that the Lumbee people are not of Indian descent; moreover, I make no judgments on the question of their tribal status, or the adequacy of their recognition petition. Rather, I believe strongly that the Members of the House are in a position to make a rational and informed decision as to whether this group constitutes a federally recognizable tribe.

Mr. Chairman, I will not repeat in extenso the chronicle of the people now called the Lumbee; it is adequately set forth in previous committee reports and accompanying appendices. However, mindful that the intricacies and peculiarities of Indian law demand an appreciation of history, I feel constrained to point out a few salient historical facts with which the majority is either unfamiliar or which it chooses to gloss over in its headlong rush toward passage of this legislation.

Foremost among these: While neither side in this debate questions the group's Indian descent, the exact origin and tribal derivation of the Lumbee has been the subject of considerable dispute and uncertainty, and since the 19th century the Lumbee and their predecessors have sought an identifying link with some historic tribe. Unlike most other tribes, it is inaccurate to refer to a continuously existing

tribe of Lumbee; that name is a modern creation which was only adopted in 1956, and is the most recent in a long line of appellations belonging to this group. It is important to bear this fact in mind because proponents of the bill, as well as some contemporary commentators, tend to obscure this fact and absorb the long and complex history of Robeson County Indians into a single, supposedly Lumbee, history.

The story of how the progenitors of the Lumbee came to live in this area of North Carolina is a multifarious one. In fact, there are almost as many theories as there are theorists. Up until the 1920's, the most persistent tradition among the Indians in Robeson County was that they were descended primarily from an Iroquoian group called the Croatan. This theory, though highly conjectural, is as follows. In 1585, Sir Walter Raleigh established an English colony under Gov. John White on Roanoke Island in what later became North Carolina. In August of that year, White departed for England for supplies, but was prevented from returning to Roanoke for 2 years by a variety of circumstances. When he finally arrived at the colony, however, he found the settlement deserted; no physical trace of the colonists was found.

The only clue to their whereabouts were the letters "C.R.O." and the word "Croatoan" carved in a tree. From this it was surmised that the colonists fled Roanoke for some reason, and removed to the nearby island of Croatoan which was inhabited by a friendly Indian tribe. There, according to the theory, they intermarried with the Indians, and the tribe eventually migrated to the southwest to the area of present-day Robeson County. The theory is lent some credence by reports of early 18th century settlers in the area of the Lumber River who noted finding a large group of Indians—some with marked Caucasian features such as grey-blue eyes—speaking English, tilling the soil, and practicing the arts of civilized life. In addition, many of the surnames of Indians resident in the county match those of Roanoke colonists.

This view was the most widely accepted among both the Indians and their neighbors for more than 100 years. It was even officially echoed by the Department of the Interior, which concluded:

[T]he Indians originally settled in Robeson and adjoining counties * * * were an amalgamation of the Hatteras Indians with [Raleigh's] lost colony; the present Indians are their descendants with a further amalgamation with the early Scotch and Scotch-Irish settlers, such amalgamation continuing down to the present time, together with a small degree of amalgamation with other races.

The Lost Colony theory has, however, since fallen into disrepute. Since the late 1930's, the most generally accepted supposition is that the ancestors of the Lumbee—

Had many different "tribal" affiliations, originally spoke several different Indian languages, and had one common goal—to find refuge from White-introduced diseases, wars, and the settlers who were sweeping through North and South Carolina. The swamps of what was to be Robeson County combined with the county's uncertain colonial status attracted people of Indian descent with a promise of protection.

There were massive dislocations of Indian populations in areas to the north and south of Robeson County. In 1711, the Tuscarora War to the north could have driven some Indians to seek refuge in the southern swamps on the border between the Carolinas. Later, in the 1730's, a smallpox epidemic raged through South Carolina and may have sent those fleeing it northward into the swamps. That Robeson [County] provided a refuge for people—Indian, White and Black—who sought to avoid highly organized government is also likely.

The county is located in a section of North Carolina that was, between 1712 and 1776, involved in a border dispute between the colonies of North and South Carolina. * * * Many White colonists would have hesitated to settle there because of the confusion about which colony would be legally responsible for the region, and therefore the area would provide an ideal refuge for those seeking to avoid large all-White settlements. The remnant groups who found safety in Robeson County intermarried, amalgamating into a single people that included some non-Indian[s]. * * *

This amalgamation, which consisted of several different Siouan coastal tribes, has been accepted by the present Lumbee as the beginnings of their group. For example, in 1955 a representative of the Lumbee stated that the group is "an admixture of seven different tribes of Indians including the Cherokee, Tuscarora, Hatteras, Pamlico, and Croatan—about seven tribes were mixed with them and intermarried with the first colonists."

This change in theories over the years has resulted in a series of official name changes for the Robeson County Indians as they sought to conform legislatively to whichever view was prevalent at the time. In 1885, the State of North Carolina designated a group of Indians in and around Robeson County—the ancestors of the present Lumbee—as "Croatan Indians." By 1911, however, the designation had been popularly shortened to "Cro" and was used by non-Indians as a racial pejorative which the Indians found extremely objectionable. In addition, the term was one not recognized by historians, ethnologists, or bureaucrats in the Federal Government; it had no historical precedent and was based on the name of a place, not the name of a people. Therefore in that year, at the group's request, the State legislature changed the group's name to "Indians of Robeson County." That change, however, pleased nobody and settled nothing, since in the opinion of many Lumbee it served only to obscure further the claimed origins of the group. Consequently, in 1913, again at the

group's request and despite the vehement protests of the federally recognized Eastern Cherokee Tribe in the western part of the State, the name was changed to "Cherokee Indians of Robeson County."

From 1910 to the 1930's, supporters of the group introduced several bills in Congress to give them a Federal designation variously proposed as "Cherokee Indians of Robeson and adjoining counties," "Southeastern Cherokee," "Cheraw," and "Siouan Indians of the Lumber River." In 1953, they finally settled on adopting a derivation of the name of the Lumber (Lumbee) River, which flows through Robeson County, as their self-designation. In justification for the change, one of the group's leaders wrote:

The first white settlers found a large tribe of Indians living on the Lumbee River in what is now Robeson County—a mixture of colonial blood with Indian blood, not only of [Raleigh's] colony; but, with other colonies following and with many tribes of Indians; hence, we haven't any right to be called any one of the various tribal names; but, should take the geographical name, which is Lumbee Indians, because we were discovered on the Lumbee River.

At no point over all these years, however, have State or Federal statutes even remotely referenced the Cheraw—note the absence of that name from the preceding list of progenitor tribes given by Dr. Lowery—but we are now told by the Lumbee, after more than 100 years of being informed otherwise, that this group is the principal historical tribe from which they really descend. However, a close examination of the issue calls this assumption into some question.

In 1914, at the direction of the Senate, the Secretary of the Interior sent Special Indian Agent O.M. McPherson to North Carolina to investigate "the condition and tribal rights of the Indians of Robeson and adjoining counties. * * *." Mr. McPherson returned his exhaustive report—including over 230 pages of exhibits—to the Senate in January 1915. The proponents of Lumbee recognition state that this report unequivocally concluded that the Lumbee are descended principally from the Cheraw Tribe. This characterization of McPherson's report, however, is not quite accurate. McPherson noted that the Cheraw, being subject to attacks from Iroquoian tribes, became incorporated with the Catawbas of South Carolina between 1726 and 1739. "The last historical notice of them was in 1768, when their remnant, reduced by war and disease, were still living with the Catawbas." These statements would seem to argue against an assumption that the report concludes that the Cheraw were the principal ancestors of the Lumbee. The closest McPherson came to establishing a Lumbee-Cheraw connection was the following: "It is not improbable, however, that there was some degree of

amalgamation between the Indians residing on the Lumber River and the Cheraws, who were their nearest neighbors."

This subsummation of the Cheraw into the Catawba Nation in the early 1700's—which in my view greatly diminishes the force of the Lumbee Cheraw claim—is substantiated in a number of contemporaneous and modern sources. Among the former: James Adair, an Englishman who resided with the Catawba in 1743, stated that the Catawba consisted of up to twenty different constituent groups; among the eight tribes explicitly cited by Adair were the Cheraw. A map drawn on deer-skin by a Catawba chief in 1724 shows the Charra as a group residing with the Catawba. Another map, drawn by the trader John Evans in 1756, shows the location of the Charraw town in the Catawba lands.

In addition, all of the modern treatments of the Catawbas with which I am familiar indicate that the Cheraw were one of the many tribes subsumed into the Catawba. For example, Dr. Jane Brown notes that "[o]f the twenty-two tribes which formed the Catawba Nation as early as 1743, the most important * * * were: The Catawbas proper * * * the Cheraws * * * the Sugaree * * * the Waxhaws * * * the Congarees, the Santees * * * the Pedees * * * the Waterees * * * and the Wateree-Chickanees * * *." These groups all merged with the Catawba, and "[a]s a result of these tribal mergers, the Catawba Nation became a melting pot of peoples * * *. Cheraws * * * and other migrants gradually lost their own identity and came to think of themselves as Catawbas." Secretary of the Interior Harold Ickes, citing a Smithsonian report, noted that the remnants of the Cheraw "became incorporated with the Catawbas of South Carolina" between 1726 and 1739.

I am not the first to question the validity of the Lumbee-Cheraw connection. In 1933, a bill introduced in the Senate would have provided for the enrollment of the group as Cheraw Indians. The Secretary of the Interior objected to the use of the term "Cheraw," however, and suggested that they be designated Siouan Indians instead. This change was prompted by a report from Dr. J.R. Swanton, a Smithsonian anthropologist, who concluded that the group is:

Descended from a considerable number of small tribes, of which the Cheraw were only one, and since the greater part of these, like the Cheraw, belonged to what is called the Siouan linguistic family, it would be more nearly correct to designate them Siouan Indians of Lumber River, from this fact and the name of the stream about which the greater number of them are settled.

The bill was amended in committee to reflect that request.

The report by Swanton—often cited by the Lumbee as an authority on the subject—is instructive as to the true

nature of the Lumbees' relationship of the Cheraw. It noted that the Lumbee are descended "from certain Siouan tribes of which the most prominent were the Cheraw and Keyauwee, but [] probably included as well remnants of the Eno, and Shakori, and very likely some of the coastal groups such as the Waccamaw and Cape Fear." Swanton went on to state that "[a]lthough there is some reason to think that the Keyauwee tribe actually contributed more blood to the Robeson County Indians than any other," he preferred the use of the term "Cheraw" simply because whereas the Keyauwee name was not widely known, "that of the Cheraw has been familiar to historians, geographers, and anthropologists in one form or another since the time of DeSoto * * *." In other words, the choice of the Cheraw was apparently made in large part for reasons of academic ease rather than historical reality.

In a later, seminal work, Swanton reiterated his belief that the Keyauwee, and not the Cheraw, were the main predecessors of the Robeson County Indians. He noted that between 1726 and 1739, the remnants of the Cheraw were incorporated into the Catawba Tribe, and that they still resided with the latter group as of 1768, by which time the Lumbee claim their ancestors were already established in North Carolina's Robeson County. He estimated their numbers at that time to be between 50 and 60 individuals. He went on to state that the Keyauwee, while also eventually setting with the Catawba, left descendants "among the Robeson County Indians."

In 1989, the head of the BIA's Bureau of Acknowledgement and Research questioned the adequacy of the Lumbees' proof underlying their assertion of Cheraw descent. He testified that

[t]he Lumbee petition submitted to the BIA in 1987 claims to link the group to the Cheraw Indians. The documents presented in the petition do not support [this] theory * * *. These documents have been misinterpreted in the Lumbee petition. Their real meanings have more to do with the colonial history of North and South Carolina than with the existence of any specific tribal group in the area in which the modern Lumbee live.

Even the Lumbees' own consulting anthropologists have previously been somewhat lukewarm in their support for the proposition that the Lumbee are principally descended from the Cheraw. For example, one has stated that "the Cheraw are probable ancestors in the early 18th century. It does not really matter, however * * *." In fact, the case for Cheraw ancestry is not one of conclusion by proof, but of conclusion by supposition and process of elimination. All of these sources, from Adair onwards, cast a considerable pall over the Lumbee assertion that "the proof in this case [of descent

from the Cheraw] is supported by the fact that no disconfirming evidence exists," and over their anthropologists statements that "[t]here is no evidence to the contrary."

Given the very small numbers of Cheraws left after the ravages of disease and the early colonial Indian wars, what seems to be the prevailing view that the group was subsumed into the Catawba Nation to the south, and the lack of concrete proof, I find it difficult to fathom how the Cheraw could have been the principal forbearers of the Lumbee. In addition, this change in the asserted origins of the Lumbee over the years has not been a minor one. Since the 1860's, the group has claimed "Croatan," then Cherokee, then Cheraw descent. This progression was not one from one correlate tribe to another, such as from Mohawk to Oneida to Onondaga. Rather, these tribes are not at all related. The Croatan were Algonquian, the Cherokee Iroquoian, and the Cheraw Siouan—three completely distinct linguistic groups.

In fairness, however, I note that two anthropologists have stated that it is possible that another band of Cheraw existed, and that they could have been one of the progenitors of the Lumbee. There are some facts from which this inference could plausibly be drawn. I do not necessarily rule out the theory of Cheraw descent; records from this period are sketchy at best and, as one early explorer noted:

In tracing the origin of a people, where there are no records of any kind, either written, or engraved, who rely solely on oral tradition for the support of their ancient usages, and have lost great part of them * * * where we have not the light of history, or records, to guide us through the dark maze of antiquity, we must endeavor to find it out by probable arguments.

Moreover, I reiterate that I do not purport to judge the merits, or lack thereof, of the Lumbee petition. Rather, I think that the descent issue, among others, points out that this is not the open and shut case its proponents would have us believe, and underscores the need for its review by objective and neutral historians, anthropologists and other scientifically-trained personnel at the BIA. It is relatively immaterial to my position that the tribe has produced experts to testify before us regarding the validity of the Lumbee claims, or that an equal number of other experts has contradicted them; it may well be that the Lumbee have a perfectly valid claim. I am simply stating that we as a body are not adequately equipped to make that determination.

True, as the gentleman from California [Mr. MILLER] has previously pointed out, "[t]his is not about us being experts. It is about weighing the evidence that the experts have given us. That is our job on this and so many other subjects." However, the "experts" disagree on many issues, and there is not one

Member of this House, nor of our staffs, with the specialized educational background necessary to make an informed decision in this area. Properly done, the process of recognition requires an evaluation of complex and often ambiguous data and issues of ethnohistory, cultural anthropology, and genealogy. Not only do we lack that expertise, but there are precious few Members of this body with any more than the most superficial knowledge on the subject at all. I seriously doubt that any Member of the majority, or of their staffs, has read even the multivolume Lumbee recognition petition, let alone any anthropological, ethnohistorical or sociological treatises on the group.

This lack of knowledge is especially troubling in the case of the Lumbee. Laypersons tend to have a single, conglomerate view of what constitutes an Indian tribe, a view usually on the Great Plains model. The Lumbee, however, bear very few if any characteristics in common with that view, a fact of which I would wager most if not all of the Members of the House are unaware. The Lumbee have an Indian ancestry, but have never had treaty relations with the United States, a reservation, or a claim before the Indian Claims Commission; they do not speak an Indian language; they have had no formal political organization until recently; and they possess no autochthonous "Indian" customs or cultural appurtenances such as dances, songs, or tribal religion. One of the group's consultant anthropologists, Dr. Jack Campisi, noted this lack of Indian cultural appurtenances in a hearing colloquy with then-Congressman Ben Nighthorse Campbell:

Mr. CAMPBELL. * * * Do [the Lumbee] have a spoken language * * * ?

Dr. CAMPISI. No.

Mr. CAMPBELL. Do they have distinct cultural characteristics such as songs, dances, and religious beliefs and so on? * * * Do the Lumbees have that?

Dr. CAMPISI. No. Those things were gone before the end of the 18th Century.

This absence of cultural appurtenances in part identifies the Lumbee as part of what sociologist Brewton Berry has termed the "marginal Indian groups." As Berry notes:

These are communities that hold no reservation land, speak no Indian language, and observe no distinctive Indian customs. Although it is difficult to establish a firm historical Indian ancestry for them, their members often display physical features that are decidedly Indian. Because they bear no other historic tribal names, they often emphasize a Cherokee ancestry.

These characteristics do not, in my mind, necessarily preclude Federal recognition. They do, however, point out that this is a case replete with out-of-the-ordinary complexities which require more than just a simple one-page staff memo to understand fully. Needless to say, if those of us charged with the day-to-day oversight of Indian af-

fairs do not have the necessary expertise—or even knowledge—in this area, how will the balance of our Members appropriately exercise those judgments as they will be called upon to do when this legislation reaches the floor?

Aside from our lack of expertise, other considerations militate against removing the recognition process from the BIA in this case. Foremost among these is the fact that recognition should be based on established principles free from the eddies and currents of partisan politics and influence—this was the reason the FAP criteria were established in the first place. Congress is by nature, however, a highly partisan institution. A single, powerful Member in the majority part is perfectly capable of moving a recognition bill through this body with little reference to its actual merits. As one attorney has noted:

Neither this Committee [Interior] nor the Senate Committee [on Indian Affairs] has adopted any self-policing criteria [to use] to judge the petitions. If has to do with the nature of the arguments that are put forward before [the Committee], the proponents of the legislation bring their historians and anthropologists and say absolutely this is a tribe. The member or sponsor of the bill lobbies the members of the Committee on behalf of his [petitioning constituent and depending on whether he's persuasive or not perhaps he is successful. Some professional staff pointed out to me one day, what happens the day that Dan Rostenkowski[, Chairman of the House Ways and Means Committee.] goes to George Miller[, Chairman of the House Natural Resources Committee.] and says the Illini tribe are alive and living in downtown Chicago. That should not be the way the federal recognition is granted. There has to be some sort of criteria and I think that is the bottom line.

The Lumbee attorney has previously acknowledged the wisdom of this view by recognizing its obverse, and has argued against leaving the process up to Congress:

[E]xperience in the last few Congresses has also taught us that the power of a single congressman who represents a single district who is opposed to the recognition of other tribes can be very influential. That person can block a particular bill and, for all practical purposes, prevent the recognition of a tribe that should be recognized. You can create a political donnybrook by bringing it [the FAP process] all back to Congress.

In other words, while we clearly have the power to recognize a tribe, that does not mean that the wisest use of that power is its exercise. In the absence of any discernible criteria by which we judge tribal status, and of any particularized background or knowledge, the Congress should leave the decision up to those best qualified to make it: the BIA.

Mr. Chairman, despite the fact that the BIA, and not this body, is best equipped to handle the issue, the Lumbees and their supporters argue that they should be allowed to bypass the established recognition process because theirs is a unique case requiring

a legislative solution. First, they contend that prior legislation both recognized the group and precluded them from applying for recognition under the FAP. Second, they maintain that they are justified in bypassing the FAP because the process is cumbersome and ineffective. Finally, they assert that approval of the bill is consistent with recent actions of Congress in enacting recognition legislation. For the reasons set forth below, however, these contentions are without merit sufficient to warrant congressional recognition. Their arguments are tenuous at best, however, and actually mitigate against this legislation and in favor of less precipitous legislative solutions.

The Lumbees' principal contention is that the act of June 7, 1956, both served as a prior Federal recognition of the tribe and precludes their petitioning for recognition under the present regulatory scheme. As a result, they posit, they are entitled to congressional recognition. Such a position rests, however, on specious premises. The 1956 act did not in any way extend Federal recognition to the Lumbee; rather, it simply served as a formal affirmation of their status as an identifiable group named "Lumbee" descended from an admixture of Indian and other ethnic groups. Moreover, while the act may be read as precluding the Lumbee from petitioning for administrative recognition, the logical solution is to amend the act to remove the bar rather than to bypass the FAP altogether.

The proponents' position that the purpose of the 1956 Lumbee Act was the acknowledgment of the Lumbee as a federally recognized tribe is simply wrong. The purpose of the act is clear; it was merely a commemorative bill designating a group of Indians by a particular name to reflect a similar change in the group's self-designation made 3 years earlier at the State level. This is evident from the wording of the act itself, which states in pertinent part:

That the Indians now residing in Robeson and adjoining counties of North Carolina, originally found by the first white settlers on the Lumbee River in Robeson County, and claiming joint descent from remnants of early American colonists and certain tribes of Indians originally inhabiting the coastal regions of North Carolina, shall, from and after the ratification of this Act, be known and designated as Lumbee Indians of North Carolina.

The 1956 act fails to include any of the typical indicators that would enable one properly to conclude that it is a recognition statute. In contrast to the 1956 act's language, when Congress has desired to grant Federal recognition to a tribe it has consistently done so by express and unambiguous language. For example, Public Law 95-281 states "[t]he Modoc Indian Tribe of Oklahoma is hereby recognized as a tribe * * *"; Public Law 95-195 states "recognition is hereby extended to the

[Siletz] tribe * * *"; and Public Law 93-197 states "[f]ederal recognition is hereby extended to the Menominee Indian Tribe * * *." Even the majority must recognize that this is the correct formula to invoke recognition, since the bill before us—H.R. 334—contains identical language: "Federal recognition is hereby extended to the Lumbee tribe * * *." Furthermore, unlike the language in all other recognition acts—

[t]he 1956 [Lumbee] legislation does not mention any political organization of the Lumbee or any governing body. It does not convey any land in trust, make any reference to whether state laws are to apply, or render Lumbees eligible for federal services. It, thus, would seem that there is little room for an argument that the statute was extending recognition * * *.

Moreover, the act passed with the following introductory clauses which, from the liberal use of the term "whereas," follow the usual litany of commemorative legislation:

Whereas many Indians now living in Robeson and adjoining counties are descendants of that once large and prosperous tribe which occupied the lands along the Lumbee River at the time of the earliest white settlements in that section; and

Whereas at the time of their first contacts with the colonists, these Indians were a well-established and distinctive people living in European-type houses in settled towns and communities, owning slaves and livestock, tilling the soil, and practicing many of the arts and crafts of European civilization; and

Whereas by reason of tribal legend, coupled with a distinctive appearance and manner of speech and the frequent recurrence among them of family names such as Oxendine, Locklear, Chavis, Drinkwater, Bullard, Lowery, Sampson, and others found on the roster of the earliest English settlements, these Indians may, with considerable show of reason, trace their origin to an admixture of colonial blood with certain coastal tribes of Indians; and

Whereas these people are naturally and understandably proud of their heritage, and desirous of establishing their social status and preserving their racial history * * *.

The last of these clauses is further evidence of the aim of the legislation: validating the "social status" of this group and preserving their "racial history." In the context of the 1956 legislation, this meant formal affirmation of them as an identifiable group descended from an admixture of Indian and other ethnic groups. This was not the first time that the Lumbee had sought a commemorative bill acknowledging their "Indian-ness." In 1932, members of the group sought passage of a bill to confer upon them the designation of "Cherokee Indians." The group's pro bono attorney at the time stated that

[t]he chief desire of these Indians appears to be that Congress shall do something which will recognize affirmatively that they are Indians. Being myself from Georgia, I am able to appreciate the desire of these Indians for some status by which they would be, at least by their own thinking, clearly distinguished from [other ethnic groups in the area].

Even assuming arguendo that the wording of the 1956 Lumbee Act itself is somehow nebulous as to recognition, it is abundantly clear from the legislative history of the Act that it was not intended by Congress in any way to be a recognition bill. As noted by the American Law Division of the Library of Congress, the committee reports accompanying the 1956 legislation indicate that the intent of the Act "was to designate a name for this group." To illustrate, House Report No. 84-1654 reads as follows: "If enacted, H.R. 4656 would permit about 4,000 Indians of mixed blood presently residing in Robeson and adjoining counties in North Carolina to become known and designated as the Lumbee Indians of North Carolina." Nowhere in the report does the term "recognition" appear; nor can a congressional desire to extend Federal recognition be inferred from the language of the report.

Additionally, the following colloquy between the sponsor of the 1956 act, Congressman Frank Carlyle, and another committee member confirms this view and belies the majority's assertion that the Lumbee understood the intent of the act to be recognition:

Mr. CARLYLE. Now I should like for you to recall that there is nothing in this * * * that requests one penny of appropriations of any kind. There is nothing in this bill that would call for any upkeep or expenditure. It just relates to the name of these people of the county.

Mr. ASPINALL. What benefits do they expect to get from this? Just purely the name "Lumbee Indian Tribe" does not appear to me to give too much importance to it, unless they expect to get some recognition later on as members of some authorized tribe, and then come before Congress asking for benefits that naturally go to recognized tribes.

Mr. CARLYLE. No one has ever mentioned to me any interest in that, that they had any interest in becoming a part of a reservation or asking the federal government for anything. Their purpose in this legislation is to have a name that they think is appropriate to their group * * *.

Later, Congressman Carlyle continued:

Mr. CARLYLE. As to any ulterior motive that might be suggested—that is, if they would come in and ask for benefits now or later—that is not in this picture at all.

Congressman Aspinall then asked this question of one of the Lumbee witnesses:

Mr. ASPINALL. Do you or any members of your organization anticipate that, after you might receive this designation, you would come to Congress and ask for any benefits that otherwise go to Indian tribes?

Rev. LOWERY. No Sir.

Finally, during consideration of the bill on the House floor, the following exchange took place:

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. FORD. Mr. Speaker, reserving the right to object, I should like to ask the author of the bill, the gentleman from North Carolina [Mr. Carlyle], whether or not this bill, if enacted, would in any way whatsoever commit

the federal government in the future to the furnishing of services or monetary sums?

Mr. CARLYLE. Mr. Speaker, I am happy to say that the bill does not * * *.

Mr. FORD. There is no obligation involved, as far as the Federal Government is concerned * * *?

Mr. CARLYLE. None whatsoever.

Mr. FORD. It simply provides for the change of name?

Mr. CARLYLE. That is all.

Nowhere—in committee, on the floor, or in the act as passed—is there any statement from which one could logically construct a basis for recognition.

Not only is this position clearly supported by both the wording of the act and its legislative history, but contemporary news reports add strong evidence to the conclusion that the purpose of the 1956 act was simply to institutionalize the group's newly chosen name. For example, note the following from a North Carolina newspaper:

Senator Kerr Scott reports this week that the Lumbee Indians of Southeastern North Carolina should now have their name made official as far as the Federal Government is concerned.

"Last week the Senate Interior Committee's sub-committee on Indian affairs gave a quick okay to a bill that would make the name official. Final action will be routine," Scott said.

The North Carolina state legislature has already passed legislation doing the same thing.

Another North Carolina article notes that the Senate "had approved a bill to permit Indians of Robeson County to be designated as the Lumbee Indians of North Carolina * * *. The House and the North Carolina Assembly have already approved the name for the people." Another states that a bill "to make the name of Robeson County Indians the 'Lumbee Indians' has passed yet another hurdle in the Senate * * *. Previously the Indians had voted 2,189 to 35 for the name change in 1951, and in 1953, the North Carolina General Assembly gave the tribe its designation as Lumbee Indians." An article from the New York Times notes that the Senate voted "unanimously that some 4,000 [sic] Indians around Robeson County, NC, should be known officially as the Lumbee Indians." Another, that the "bill to rename the Indians of Robeson County the Lumbee Indians of North Carolina struck a snag in Washington last week, but will probably be signed by the President this week." Finally, the local papers reported that "President Eisenhower has received a bill to allow Indians in and around Robeson County, NC, to be known as the Lumbee Indians of North Carolina."

Of all the available news articles concerning the bill, I was only able to uncover one which arguably supports the majority's previous assertions that the legislation "was widely reported as a recognition bill * * *." It reads:

Senator W. Kerr Scott today asked a Senate sub-committee to give federal recogni-

tion to the Lumbee Indians of North Carolina. In testifying before a sub-committee of the Senate Interior Committee, Senator Scott said: "The State of North Carolina has already by state law recognized the Lumbee Indians under that tribal name." The North Carolina State Legislature gave official recognition to the Lumbee Indians while Scott was Governor of North Carolina. * * *

However, it is evident from the context of the article that the term "recognized" means cognitive, rather than jurisdictional, recognition, especially given that the article speaks in terms of the group being "recognized" by a specific name, and that the term "recognized" had not yet acquired its present legal meaning. The article's support for the majority's argument is thus highly questionable.

All the available authorities which have considered the question concur with my position that the bill is not recognition legislation. In *Maynor versus Morton*, the United States Court of Appeals for the District of Columbia Circuit—the highest Federal court to have addressed the issue—stated that "the limited purpose of the legislation appears to [be to] designate this group of Indians as 'Lumbee Indians.'" The court later reiterated this view, noting that the act was "a simple statute granting the name 'Lumbee Indian' to a group of Indians, which hitherto had not had such designation legally. * * *." Similarly, the American Indian Policy Review Commission agrees with this assessment of the act's intent. The Comptroller General has concluded that the Lumbee are not a federally recognized tribe, as has the Department of the Interior. In a 1988 opinion, the American Law Division of the Library of Congress concluded "that the 1956 statute does not provide recognition of Lumbee Indians as a political entity. * * *"

Even the Lumbee attorney has herself previously concluded that the act does not confer recognition on the tribe, but rather "was the culmination of many years of effort by the Lumbee Indians to be known by a name that reflected the group's unique ethno-history." Additionally, I note that nowhere in the Lumbee petition for recognition is any assertion made to the effect that the 1956 act constitutes recognition legislation. In fact, the petition makes no stronger assertion than that, in gaining passage of the act, "[t]he tribe had finally received some degree of Federal acceptance after 50 years of trying."

In its report on H.R. 1426—the identical predecessor to H.R. 334—the Democrats on the Interior Committee apparently agreed with my conclusion, explicitly stating that the purpose of the State legislation was to designate the group as "Lumbee Indians of North Carolina." Members of the Rules Committee have implicitly taken the view that the act did not serve to recognize the Lumbee; as has the Senate Com-

mittee on Indian Affairs. Perhaps more to the point, I pose the following query: If the 1956 Lumbee Act recognized the Lumbee as the majority suggests, then why do we now need H.R. 334 to accomplish that very same objective?

In spite of all this information, there are some who have argued that the State act changing the group's name to Lumbee was State recognition legislation, and that the 1956 act was meant to be identical recognition legislation on the Federal level. Others have said that the Lumbee understood the purpose of the 1956 act to be Federal recognition as we understand that term today. However, the sources I have previously cited, as well as the following chronology of article captions from the *Robesonian*, a local North Carolina paper, clearly belie these revisionist assertions and support the conclusion that both the State and Federal acts were both simply commemorative bills designating an existing Indian group by a new name:

Apr. 05, 1951: "Lumbee Indians' Designated in Bill Introduced by Watts."

Apr. 12, 1951: "Indian Name Bill Hearing Attended by Both Factions."

Aug. 17, 1951: "Robeson Indians Drive Toward Vote to Decide Official Name."

Dec. 04, 1951: "Indians Can Have Election to Decide on Name of Tribe"

Jan. 23, 1952: "Indians Voice Name Change Opinions"

Feb. 01, 1952: "Robeson Indians Favor 'Lumbee' as Race Name"

Feb. 05, 1952: "Indians Vote Name Change"

Feb. 06, 1953: "Indian Asks for Teacher Support for Lumbee Name"

Feb. 12, 1953: "Senate Gets Indian Bill"

Sept. 30, 1953: "Copy of Lumbee Name Bill Presented to Indian Leader"

July. 29, 1955: "Indian Name-Change Stands Little Chance of Passing This Session"

Feb. 21, 1956: "[U.S.] House Passes Indian Name Bill"

May 16, 1956: "Indian Bill Ok'd by Senate Group"

May 22, 1956: "President Receives Lumbee Indian Bill"

The *Robesonian* article listed above and dated July 29, 1955, is particularly illustrative of my point:

Congressman James A. Haley * * * of the House Indian Affairs subcommittee said today he plans for further sessions on the group before Congress adjourns. * * * But Haley added that he personally could see no objection to the proposal as long as it involves strictly a name change and not the question of federal benefits.

The subcommittee had had assurance from the Rev. D.F. Lowery of Pembroke that the Indians do not want a reservation and do not want to become wards of the government. * * *

He told the congressman that the Robeson area Indians "would leave the county before they would come under a reservation or (become) anything like wards of the government."

Pending before the committee is a bill introduced by Rep. F. Ertel Carlyle of Lumberton to give the designation of Lumbee to the Indians living along the Lumbee River.

The following passage from the Lumbee petition, tracing the course of

the groups' name changes, further substantiates my position that the act simply codified a new self-designation for the group previously enacted at the State level:

[T]here was an absence of tranquility among our people on the whole [name] issue. Accordingly, a group of leaders among us joined in support of a name previously suggested—Lumbee—which would give us a well adapted legal name, geographically proper, and equally support the historical fact of our multiple tribal origins.

* * * * *
The result * * * was the completion and eventual approval of a change of name from Cherokee Indians of Robeson County to Lumbee Indians of the State of North Carolina * * *.

Following the draft of the above legislation the Commissioners of Robeson County held a duly constituted referendum and the bill was approved by a vote of some 2,000 for and 30 against. The Commissioners then unanimously concurred in the referendum result, following which the [state] legislature enacted it into law. It was then submitted to the House and Senate of the United States, passed and signed by the President of the United States, with minor amendments, as national legislation.

This passage—tracing the flow of the legislation from concept to State legislation to Federal legislation—clearly contradicts the revisionist view now put forward by the bill's proponents that the State act was recognition legislation and the 1956 act simply a Federal adoption of that recognition.

Further contradicting the erroneous view of the purpose of the State, and thus the Federal, act are statements noting that the State of North Carolina recognized the Lumbee as a political entity in 1885, and has maintained an uninterrupted government-to-government relationship with them ever since from the chairman of the board of directors of the Lumbee Regional Development Association; a member of the House Rules Committee; the chairman of the Natural Resources Committee; the sponsor of H.R. 334; Senator Terry Sanford of North Carolina; the Senate Committee on Indian Affairs; the Lieutenant Governor of North Carolina; the secretary of administration, Office of the Governor of North Carolina; the chairman of the North Carolina Commission on Indian Affairs; the Lumbee attorney; the group's own position paper; and the anthropologist who authored the Lumbee recognition petition. Even the group's petition for recognition states that "[i]n 1885, the North Carolina General Assembly passed an act recognizing the Lumbee tribe * * *." In a case such as we have here where recognition has been legislatively extended to a group by a State, and that recognition has not been withdrawn, it makes little sense to argue that the State would reextend that same recognition in a later act.

This is not the first time in the group's history that Federal legislation has been introduced on its behalf to

mirror a change in name designation by the State. In 1924, the Interior Committee favorably reported to the House, H.R. 8083, a bill to change the name of the group from Croatan to Cherokee. The committee report notes the purpose of the bill:

By an act of the State of North Carolina these Indians have recently been designated as Cherokee Indians, and this legislation carries out this act and gives the Indians the same Federal status * * *.

Clearly, the 1956 act served the same purpose.

Mr. Chairman, all of this preceding information aside, the argument that the act somehow recognizes the Lumbees is especially disingenuous when examined in light of the prevailing congressional Indian policy at the time. Over the years, congressional dealings with the tribes have gone through several policy phases. Until 1887, the basic approach to dealing with the tribes was conquest and segregation to designated territories and reservations. Between 1887 and 1934, the Federal Government implemented a program directed at assimilating Indians into the dominant culture. In 1934, with the adoption of the Indian Reorganization Act, the Government began to encourage tribal sovereignty and self-governance. In 1953, Congress formally adopted a policy of "termination," its express aim being "as rapidly as possible, to make the Indians within the territorial limits of the United States subject to the same laws and entitled to the same privileges and responsibilities as are applicable to other citizens * * * and to end their status as wards of the United States. * * *." In other words, the new policy sought to force Indians into the mainstream culture by terminating their separate tribal status and the benefits they received from that status. Pursuant to this policy, during the 1950's Congress terminated the Federal recognition—and thereby the benefits—of some 110 tribes consisting of more than 13,000 individuals. They were then subject to State laws, and their lands were converted to private ownership and in most instances sold.

In the same year in which the 1956 Lumbee Act was passed, Congress terminated four tribes: the Lower Lake Ranacheria, the Wyandotte, the Peoria, and the Ottawa. To interpret the Lumbee Act as granting Federal recognition to the Lumbees during a period in which Congress was actually terminating recognized tribes is to indulge in historical revisionism at its worst and fabricates a result clearly contrary to the avowed policy and stated intent of Congress during this period.

In sum, it is clear from the wording of the 1956 act, as well as from its legislative history, that the act simply institutionalized on the Federal level a name for the group adopted by the

State of North Carolina in 1953. Contemporary news reports support this conclusion, as do the opinions of the Federal courts, administrative agencies, and the Library of Congress Congressional Research Service.

The second portion of the argument regarding the 1956 Lumbee Act—that it precludes the Lumbee from petitioning for recognition—may have more merit. In response to concerns raised that the Act would somehow allow tribal members to avail themselves of Federal services even though not part of a recognized tribe, the following section was appended to the bill prior to passage to "clearly indicate that the Lumbee Indians w[ould] not be eligible for any services provided through the Bureau of Indian Affairs to other Indians":

Nothing in this Act shall make such Indians eligible for any services performed by the United States for Indians because of their status as Indians, and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to the Lumbee Indians.

The Department of the Interior and others have concluded that this portion of the act essentially prohibits the Lumbee from petitioning for recognition under the FAP. While I do not necessarily agree with the accuracy of that conclusion, such agreement is essentially unimportant to this discussion since the present and binding position of the Bureau is that the 1956 act does constitute a bar to petitioning.

Given this stance, the logical solution is to amend the act to allow the Lumbee to petition—the solution proposed by an amendment in the nature of a substitute which I offered at subcommittee and full committee markup—and not simply to ignore the problem in the rush to circumvent the recognition process. The amendment would have directly addressed all of the Lumbee concerns. It would, *inter alia*, remove the 1956 Lumbee Act's statutory bar to the FAP process. In addition, it would directly remedy the most oft-cited flaw of the FAP—the time it takes to review a group's petition—by guaranteeing the Lumbee petition expedited consideration, and provide for Federal district court review of untimely or adverse determinations by the BIA without requiring resort to the administrative appeals process which any other group would have to exhaust prior to taking the matter to Federal court. I note that the Department of the Interior, which opposes H.R. 334, supports this alternative.

Mr. Chairman, the majority's next contention is that the Lumbee are justified in bypassing the FAP because the process is cumbersome and ineffective. The FAP has come under fire over the last few years. There are those who argue—correctly in some instances—that the process takes longer to complete than is provided for in the agency's regulations, costs each group financial resources they do not have, and

is subject to the whims of the BIA staff. In limited defense, I point out that because the FAP establishes a permanent government-to-government relationship with a tribe, the BIA is very cautious about its determinations. This kind of exhaustive research takes a lot of time, as does the process of preliminary review, notification to the tribe of deficiencies, and waiting for the tribe to respond to these deficiencies with a supplemental petition. In addition, the FAP teams have been historically underfunded by this Congress and there have never been more than two. Still, the process clearly has its faults.

While I have always agreed that the FAP is in need of repair, it is not as broken down as the bill's proponents would have us believe. For example, I have repeatedly heard Members state that there is a backlog of 120 cases waiting to be processed, and that only 8 tribes have made it through the process since its inception. However, those numbers—oft-parroted as the premier example of why the FAP should be bypassed—are patently spurious and unsupported by the record. There were 40 petitions on hand when the FAP office organized in October 1978, and 96 petitions or related inquiries have been filed since then for a total of 136 cases. Of these, 8 groups have been recognized; 13 have been denied recognition; 1 was determined to be part of a recognized tribe; 1 had its status clarified by legislation at the BIA's request; 1 had its previously terminated recognition restored; 3 were legislatively acknowledged; 1 withdrew its petition and merged with another petitioner; and 7, including the Lumbee, require legislative action to permit processing. This means that a total of 35 cases, no 8 as others contend, have been resolved since 1978: 23 by the BIA, 4 by Congress, 1 of its own accord, and 7 because they are precluded from petitioning.

Of the 101 remaining cases, 19 are considered inactive because the groups have not responded to BIA inquiries or cannot be contacted; 47 have submitted only letters of intent to petition informing the BIA that at some unspecified time in the future they will submit their actual petitions; and 25 groups are in the process of responding to letters of obvious deficiency from the BIA and have not filed final petitions. In simple terms, 90 percent of the petitions pending in the FAP are awaiting tribal, not BIA, action. Of the remaining 10 cases, 3 are under active consideration; 1 has been resolved with a proposed negative finding; 1 has been resolved with a proposed negative finding but the comment period has been left open at the tribe's request; 1 has been resolved with a proposed positive finding; 3 are waiting to be placed on active consideration; and 1 is awaiting review for obvious deficiencies in its petition. Even a cursory examination

of these numbers shows that although the majority has claimed there is a backlog of 120 cases, the actual backlog—even counting cases presently under active review—is at the very most only 7 cases.

In any event, just as the logical solution to the problems posed by the 1956 Lumbee Act is to amend it to correct any impediment to recognition, so too is correction the proper response to allegations that the FAP process is ineffectual. Several bills have been introduced over the past few years to overhaul and streamline the process, the most recent being H.R. 3430 introduced last session by Congressman John J. Rhodes III, the then-chairman of the Republican Task Force on Indian Affairs, and reintroduced this session by Delegate FALEOMAVAEGA. Despite the chorus of Democrat complaints about the process, though, the majority has never seriously pursued any of these bills in committee, seeming to prefer instead the introduction of a string of ad hoc recognition bills designed to circumvent the process entirely.

Bypassing the process not only ignores the problem, but is unfair to all of the recognized tribes. There exists a formal government-to-government relationship between the recognized tribes and the United States. If Congress creates tribes at will, without meaningful uniform criteria or substantial corroborated evidence that the group is indeed a tribe, then we dilute and weaken that relationship. A sizable majority of tribes have objected to H.R. 334 for just this reason. We have received resolutions that support the FAP process and a strict adherence to a systematic procedure from tribes in 12 States, from regional intertribal organizations representing all the tribes of the Pacific Northwest, Montana, and Wyoming, the United South and Eastern Tribes—representing all the tribes from Maine to Florida and west to Louisiana, all of the 10 southwestern Pueblo tribes, and 25 of the 26 tribes of Arizona.

Passage of H.R. 334 is also patently unfair to all of the other petitioning groups. If the process is so ineffectual that the Lumbee should be excused from it, then what of the other 100 tribes presently in the process? What of the other 10 groups in North Carolina who have petitioned, 6 of whom are precluded from petitioning by the same 1956 act of which the Lumbee complain? If the majority decides to recognize the Lumbee in whole or in part, because they deem the FAP process to be necrotic, does not equity require that we immediately put before the House, bills to provide for the recognition of all these other groups too? It is sadly ironic that the Lumbee have stated that the process is so flawed that they should be excused from it, but that no other group should be. Finally, what about those groups that

have been denied recognition under this superfluous FAP process; do we now open our doors to them and allow them another bite of the recognition apple? It would be patently unfair to require some groups to be judged under the administrative standards and allow other groups to be judged in Congress under no discernible standards simply because they are able to avail themselves of a powerful and influential sponsor. Should the majority persist in moving this and other ad hoc recognition bills through the House based on this premise, then we will be happy to accede to their argument and introduce separate bills to legislatively recognize each of the 101 groups presently in the BIA process. While dramatic, I believe that such a move would expose the majority's FAP argument for what it is—merely a convenient canard.

Finally, passage of H.R. 334 would be unfair to those North Carolina Indian groups seeking recognition such as the Hatteras Tuscarora. The expansive Lumbee membership criteria, which would be effectively codified by passage of H.R. 334, make Lumbee the descendant of anyone identified as Indian in five North Carolina counties and two South Carolina counties in either the 1900 or 1910 Federal census. But note—these census returns do not differentiate among Indian individuals by tribal affiliation; the listings simply say "Indian"—not "Cheraw" or "Croatan" or "Lumbee." Thus, any person listed as Indian in either census—even if she were a Navajo, Shoshone, Catawba, Tuscarora, or Cherokee—is considered Lumbee under this bill. Of the 10 or so tribal petitioners in North Carolina, 5 are from Robeson or surrounding counties. The language of H.R. 334 thus subsumes these groups into the Lumbee. I am not convinced of the ultimate efficacy of provisions of that bill added ostensibly to address the concerns of these groups; and in its rush toward passage I note that the majority is apparently indifferent to their plight.

Aside from the obvious inequities to other native groups, I cannot help but consider the effects of a case in which we are wrong in our assessment of a group seeking legislative recognition. As I have repeatedly stressed, we are not equipped to make an informed decision in this area. It has been estimated by one authority that at least 15 percent of groups currently seeking recognition are essentially bogus Indian groups, or Indian descendent recruitment organizations, composed of predominately non-Indian persons. If we make a mistake, and recognize a group that should not have been accorded that status, then we sully the relationship with the tribes even further.

Moreover, legislative acknowledgment of the Lumbee in the absence of any established recognition criteria raises serious constitutional questions.

Despite our plenary power over Indians, Congress may not arbitrarily confer Federal recognition as an Indian tribe on any group claiming to be a tribe. If we act to recognize the Lumbee, or any other group, in the absence of any set guidelines, then it seems to me that we act *ultra vires*—outside the bounds of what is constitutionally permissible.

In conclusion, while the recognition process is in need of repair, it is not as crippled as the majority would have us believe. There is only a backlog of, at the most, 8 petitions, not the 120 cases often cited. While I concede that the process is imperfect, the most rational solution is to fix it. Continually seeking to bypass it only ignores the problem and forces us to address it over and over again. In addition, it undermines the role of the BIA, is unfair to both the recognized and unrecognized tribes, and raises constitutional concerns.

Finally, Mr. Chairman, the majority's last rhetorical refuge is to assert that approval of the bill is simply consistent with congressional precedent to enact recognition legislation. Were the principles of *stare decisis* somehow applicable here, I would remind the majority of the legal axiom that precedent is meant to be a guide, not a straitjacket. However, principles of precedent are not involved here since each of those examples cited by the proponents is easily distinguishable from the 1956 Lumbee Act. Since 1978, the year the BIA promulgated the FAP regulations, Congress has approved 17 acts pertaining to recognition of tribal groups. More than half of the cited acts were bills restoring Federal recognition to groups that had once been officially recognized, but were terminated by legislation—a status to which the Lumbee cannot lay claim. The rest involved unique circumstances not applicable to the Lumbee.

The principal stylobate upon which the majority rests its precedent argument is fatally flawed. Attempting to draw an analogy to the Lumbee, their report states:

Since the promulgation in 1978 of the regulations governing administrative acknowledgement, the Congress has considered the status of 10 other Indian tribes also ineligible for the administrative process. In every case, Congress enacted recognition legislation.

Yet in the very next sentence in which are cited the bills purportedly supporting that thesis, the majority guts its own argument. The legislation cited is not recognition legislation at all, but restoration legislation—the word “restoration” appears in the title of each act cited. There is a clear legal distinction between a recognition bill, which establishes the government-to-government relationship between the United States and a tribe for the very first time, and a restoration bill, which simply reinstates a relationship which

once existed but was terminated by statute or treaty. No amount of obfuscation can turn one into the other. These nine bills, therefore, cannot possibly serve as precedent for the Lumbee case.

Of the eight remaining acts, four were related to the recognition of tribes in the context of eastern land claims. In these bills, Congress extended recognition to several groups as part of settlements of the tribes' legal claims to land in Maine, Connecticut, and Massachusetts. Another act pertained to a tribe that had already been recognized as part of another tribal entity; one acknowledged a band as a subgroup of another recognized tribe; and one act involved a group that was aboriginally indigenous to Mexico and thus specifically excluded from the administrative regulations.

This leaves only one act, the slightly more analogous Texas Tiwa legislation. Often cited by the Lumbee as the best parallel to their situation, the Tiwa Act differs significantly from the 1956 Lumbee Act. In 1968, Congress transferred responsibility over the Tiwa Tribe, now known as the Ysleta del Sur Pueblo, and their lands to the State of Texas, thereby terminating any Federal relationship with the tribe. The act read, in pertinent part:

Responsibility, if any, for the Tiwa Indians of Ysleta del Sur is hereby transferred to the State of Texas. Nothing in this act shall make such tribe or its members eligible for services performed by the United States for Indians because of their status as Indians * * * and none of the statutes of the United States which affect Indians because of their status as Indians shall be applicable to [them].

Congress later reversed itself, thereby restoring recognition to the Tiwa, when informed by the State that the latter could not legally hold tribal land in trust for the tribe.

The differences between this and the 1956 Lumbee Act are readily apparent. First despite attempts to characterize the Tiwa Act as recognition legislation, it is not; the Tiwa Act was restoration legislation, a status set forth in the very name of the act itself. As I have previously noted, recognition and restoration are two completely different legal concepts, and consequently the TIWA Act—restoration—is not precedentially analogous to the Lumbee case—recognition. Furthermore, no similar transfer of responsibility has ever taken place between the United States and North Carolina with regard to the Lumbee, nor has the United States ever held land in trust for this group. Unlike the Tiwa case, there has never been any trust responsibility between the United States and the Lumbee. Moreover, the 1968 Tiwa Act specifically refers to the Tiwa as a tribe, a denomination noticeably lacking in the Lumbee Act.

In sum, the 1956 Lumbee Act did not in any way extend Federal recognition

to the Lumbees. Rather, it merely designated this group of Indians by a particular name to reflect a similar designation made at the State level. This interpretation is borne out by the wording of the act itself, the legislative history, contemporary news reports, and Federal court rulings. While the act can be read as precluding the Lumbees from petitioning for recognition, the logical solution to that impediment is to amend the act to remove the bar.

Furthermore, the argument that the Lumbee should be allowed to bypass the process because it is too cumbersome and backlogged is equally specious. While the BIA recognition process is in need of repair, it is not as decrepit as the majority would have us believe. There is only a backlog of 9 petitions, not the 120 cases often cited; and while I concede that the process is imperfect, the most rational solution is to fix it. Bypassing the process only ignores the problem, undermines the role of the BIA, and is unfair to both the recognized and unrecognized tribes.

In turn, the Lumbee assertion that approval of this bill is simply consistent with congressional precedent rests upon a flawed rhetorical premise. The examples of legislation they cite to support this proposition are either not recognition legislation or are easily distinguishable from the Lumbee case and therefore are of no precedential value.

Mr. Chairman, before I close I must point out one glaring inaccuracy put forward by Members on the other side of the aisle today as a justification for passage of this bill. We have heard, and will hear I'm sure, several Members state that the Lumbee have been seeking Federal recognition since 1888. This is simply not true, and only supports my contention that most Members are woefully uninformed about the real facts of this case.

In 1888 and 1889, the Lumbee petitioned Congress not for Federal recognition as an Indian tribe, but only to have money appropriated to help pay for their school system. All congressional contacts from that time until approximately 1988 centered solely on name changes for the group, with occasional requests for monetary assistance. It was not until 1988 that a bill to recognize the Lumbee was introduced. To argue then that we should recognize the Lumbee because they have been waiting more than 100 years for recognition is completely inaccurate—they've been waiting one-twentieth of that time.

Mr. Chairman, the past two administrations opposed this bill. The BIA has always opposed this bill, and that opposition had not changed under the new administration until yesterday. A letter from the Department of the Interior dated May 3, 1993, outlines why they objected to the bill. However, as

of yesterday the administration did a 180-degree about face and now does not object to passage. Since the substance of the bill has not changed between May 3 and today, I suspect that political motives are behind the Department's sudden change of heart.

In any event, Mr. Chairman, the overwhelming number of tribes in this country oppose this bill. I strongly urge the House to do the same.

Mr. Chairman, I submit the following documents to be included in the RECORD, and reserve the balance of my time.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, DC, May 3, 1993.

Hon. GEORGE MILLER,
Chairman, Committee on Natural Resources,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This responds to your request for a report on H.R. 334, a bill "To provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes."

We oppose the bill because we believe that questions concerning the Indian ancestry and tribal affiliation of the Lumbees need to be resolved before the Department can support Federal recognition of the group. We also believe that the fairest and most expedient way to answer questions concerning Lumbee history would be for the Lumbees to go through the established administrative process (25 CFR 83) as other groups are required to do. Legislative recognition of any group avoids the rigorous and impartial standards upon which the acknowledgment process is based. It would also encourage other unacknowledged groups to avoid having to abide by those standards.

We would favor the introduction of legislation which would clarify the language of the Act of June 7, 1956 "Relating to the Lumbee Indians of North Carolina". (70 Stat. 254), so as to allow the group to petition through the acknowledgment process as any other unacknowledged group can.

We will submit very shortly a full report which sets out in detail our concerns about legislative acknowledgment of the Lumbee group.

Sincerely,

THOMAS THOMPSON,

Acting Assistant Secretary—Indian Affairs.

A MEMORIAL TO THE MEMBERS OF THE U.S. SENATE AND HOUSE OF REPRESENTATIVES ON H.R. 1426, LUMBEE RECOGNITION LEGISLATION

We, the undersigned elected officials of federally recognized Indian tribes from across the United States do hereby memorialize the House of Representatives and Senate of the United States to carefully consider our views on the legislation now pending before the Senate to grant federal recognition to the Lumbee Indians of North Carolina. It is our jointly held view that the Congress should not enact such legislation.

We join in the resolutions previously adopted by many individual tribes as well as by regional inter-tribal Indian organizations including, but not limited to, the Affiliated Tribes of Northwest Indians, the Montana-Wyoming Tribal Chairmen's Association, the Southern Pueblos Governors Council and the Eight Northern Pueblos, all of whom have opposed the enactment of this legislation and insisted that the Lumbees, together with other non-recognized groups of Indians seeking federal recognition, should go through

the well established administrative process within the Interior Department known as the Federal Acknowledgement Process (FAP—25 CFR, Part 83). To allow the Lumbees to circumvent the FAP by attaining legislative recognition would be a mistake.

We feel that the FAP is the best available process whereby equitable criteria can be uniformly applied toward petitioning groups of Indians seeking federal recognition and we feel that the process of attaining recognition must be very deliberative, methodical and thorough. Federal recognition is the establishment of a permanent government-to-government relationship and that relationship is one we view as both pivotal and critical to the future well being of our tribes and citizens. The Congress of the United States has not adopted any criteria that it uses in determining the validity of a group's claim to be treated as a federally recognized tribe. If, absent a treaty, no criteria are used and the Congress simply legislatively establishes a federally-recognized tribe at will, the government-to-government relationship and the trust responsibility will be weakened for all tribes.

We feel that attempts to revise history by contending that the Lumbees were somehow previously partially recognized are disingenuous and misleading. We object to attempts to muddy the distinction between Restoration bills, which restore the federal relationship for those tribes that were unfortunately terminated; as opposed to Recognition bills, which, like HR 1426, proposed the establishment of the federal relationship for the first time. We support legislation to rectify any obstacles, such as the 1956 legislation, that would impede the processing of the Lumbees FAP petition.

We express our strong concern that HR 1426 would create the third largest tribe in the country (the Lumbees claim a membership of over 40,000 people including thousands in Detroit, Michigan and Baltimore, Maryland) which would completely over-burden existing underfunded BIA and IHS programs. While we do not object to federal services being provided to the Lumbees if they go through the FAP and meet criteria that other non-recognized have met, we strongly object to multi-million expenditures coming from federal tribal programs for a group who may not legitimately constitute a tribe.

We urge the Congress to examine the history of the FAP regulations and to realize that it was a process supported by tribes and the Congress to assure that an equitable, non-arbitrary process could be used in determining which Indian groups should be recognized. If the Congress determines that the FAP needs amending, we would support procedural amendments providing that the existing criteria are not weakened and that all groups seeking recognition be required to adhere to the FAP regulations.

We therefore urge the rejection of HR 1426 by the Senate and we ask the Members of the Senate to vote against the bill and against any attempts to invoke cloture intended to cut off debate on the bill.

COLORADO RIVER INDIAN TRIBES,
COLORADO RIVER INDIAN RESERVA-
TION,

Parker, AZ, September 13, 1988.

HON. DENNIS DECONCINI,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR DECONCINI: The Colorado River Indian Tribes is opposed to enactment of S. 2672 which would provide for federal

recognition and services to the Lumbee Tribe of North Carolina. Federal recognition of an Indian tribe should involve a detailed inquiry into the sovereign status of the group requesting recognition. Such an inquiry should ensure that all pertinent information is available for review and that all tribes seeking federal recognition are treated in an equal manner. The Bureau of Indian Affairs has established a procedure for conducting a detailed inquiry and reviewing petitions for federal acknowledgment, 25 C.F.R. Part 83, Requiring tribes to follow this procedure ensures that all those who receive federal acknowledgment are entitled to such recognition and receive equal treatment in the review process. The tribe requests that you allow the administrative process to function by opposing S. 2672 and requiring the Lumbee Tribe to utilize the administrative process.

Sincerely yours,

ANTHONY DRARNAN, SR.

Chairman, Tribal Council.

RESOLUTION No. 88-5

Whereas, the Southern Pueblos Governors Council is comprised of the Pueblos and Acoma, Cochiti, Isleta, Ysleta Del Sur, Jemez, San Felipe, Sandia, Santa Ana, Santo Domingo, Zia, and Zuni; and,

Whereas, these Pueblos have received information that S. 2672, proposes to circumvent the Federal Acknowledge Project and would confer federal recognition upon the Lumbee Indians of North Carolina; and,

Whereas, this proposed legislation presents too many complex, unresolved issues to be rushed through Congress at this last minute and that Indian Tribes across the nation should be afforded the courtesy of sufficient time to address these issues; and,

Whereas, the Federal Acknowledgement Project (FAP) has established certain objective criteria that must be met and the Lumbee Tribe is obligated to provide satisfactory factual evidence and to wait their turn for other Tribes who have petitioned earlier for recognition; and,

Whereas, the Pueblos are concerned with the precedent that may be established by this bill and its unfairness to other Tribes awaiting their turn seeking recognition; and,

Whereas, the Congress, the Executive Branch, and the Federal Courts have recognized that the United States has a Government-to-Government relationship with Indian Tribes and a trust obligation to them. If Congress creates Indian Tribes at will, without meaningful criteria or substantial evidence that a group is in fact a Tribe within the normal meaning of that term than the Government-to-Government relationship and the trust responsibility will be enormously weakened: Now, therefore, be it

Resolved, the Southern Pueblos Governors Council is opposed to S. 2672 which would circumvent the Federal Acknowledge Project to the Lumbee Indians of North Carolina and that Congress seek an amendment to the 1956 Lumbee Act expressly to qualify the Lumbees for eligibility under the FAP process: Be it further

resolved, That:

1. Congress appropriate more funds under New Tribes Funding and that the Bureau of Indian Affairs be mandated to include funding and data on the program requirements of newly recognized tribes, rather than taking the funding from existing BIA Programs.

2. A further deadline be established by the Congress for Tribes seeking such recognition.

3. If the Lumbees, or any other group petitioning for recognition under FAP, can meet

the established standards, the Southern Pueblos Governors Council welcomes them into the community of sovereign, federally recognized Tribes.

RESOLUTION NO. 89-16

Whereas: The Big Pine Tribal Council is the duly elected governing body of the Big Pine Band of Paiute/Shoshone Indians, and

Whereas: the Bureau of Indian Affairs has promulgated rules and regulations contained in 25 CFR Part 83, providing for specific procedures and criteria for Indian groups to petition for the Department of the Interior for Federal recognition, and

Whereas: a number of Indian groups have gone through the existing CFR process, of which some, having met the criteria, were recognized and others, not meeting the criteria were rejected, and

Whereas: legislation was pending in the 100th Congress, and is likely to be reintroduced in the 101st Congress, to legislatively grant federal recognition to the Lumbee Indians of North Carolina, and

Whereas: the proposed Lumbee legislation singles out one petitioning group for expeditious treatment without any true rational or unique reason for doing so and with the knowledge that several tribal groups with meritorious petitions for such recognition will be required to complete the CFR process, and

Whereas: the creation of one of the largest tribes in the United States and the concomitant fiscal outlay estimated at between \$90 million to \$120 million annually and the establishment of a fiduciary trust relationship with a tribe should not be made without the deliberate and careful consideration of ethnological, historical, legal and political evidence as required by the CFR process, now therefore be it

Resolved: That the Big Pine Tribal Council does hereby state its position that groups of non-federally recognized Indians desiring federal recognition should go through the administrative process whereby a consistent set of criteria can be uniformly and deliberately applied using ethnological, historical, legal and political evidence and does therefore call upon the Congress to reject legislation granting recognition to the Lumbee Indians of North Carolina.

Be It Further Resolved: That the Big Pine Tribal Council does hereby call on the Senate Select Committee on Indian Affairs, the House Interior and Insular Affairs Committee and the Interior Appropriations Subcommittees to hold oversight hearings, including field hearings, in the 101st Congress, on the existing Bureau of Indian Affairs procedures (25 CFR, Part 83) including the adequacy and timeliness of the existing process as well as sufficiency of budget and staff at the Branch of Acknowledgement and Research and to make recommendations for changes to the existing process if so warranted.

Be it further resolved: That the Big Pine Tribal Council does support, at the least, the proposed \$650,000 increase for FY 1990 for the Branch of Acknowledgement and Research to enable the Bureau to more expeditiously process the pending Lumbee and other Indian Groups petitioned.

RESOLUTION 89-10

Whereas, the Kaw Tribe of Oklahoma is federally recognized by the Secretary of the Interior by a Governing Resolution adopted and ratified on October 7, 1958, and

Whereas, the Kaw Tribal Business Committee is the governing body of the Kaw Tribe of Oklahoma, and

Whereas, legislation was pending in the 100th Congress, and it likely to be reintroduced in the 101st Congress, to legislatively grant federal recognition to the Lumbee Indians of North Carolina; and

Whereas, the American Indian Policy Review Commission, the Congress of United States and the National Congress of American Indians have all previously called for the establishment of a consistent set of criteria and a special office through which unrecognized groups of Indians could petition for federal recognition; and

Whereas, the Bureau of Indian Affairs has responded to such recommendations by promulgating rules and regulations contained in 25 CFR, Part 83, providing for specific procedures and criteria for Indian groups to petition the Department of the Interior for federal recognition; and

Whereas, a number of Indian groups have gone through the existing CFR process, of which some, having met the criteria, were recognized and others, not meeting the criteria were rejected; and

Whereas, the proposed Lumbee legislation singles out one petitioning group for expeditious treatment without any true rational or unique reason for doing so and with the knowledge that several tribal groups with meritorious petitions for such recognition will be required to complete the CFR process; and

Whereas, the creation of one of the largest tribes in the United States and the concomitant fiscal outlay estimated at between \$90 million to \$120 million annually and the establishment not be made without the deliberate and careful consideration of ethnological, historical, legal and political evidence as required by the CFR process;

Therefore be it resolved, with full authority and approval, a quorum being present, the Kaw Tribal Business Committee does hereby state its position that groups of non-federally recognized Indians desiring federal recognition should go through the administrative process whereby a consistent set of criteria can be uniformly and deliberately applied using ethnological, historical, legal and political evidence and does therefore call upon the Congress to reject legislation granting recognition to the Lumbee Indians of North Carolina.

Be it further resolved, that the Kaw Tribal Business Committee does hereby call on the Senate Select Committee on Indian Affairs, the House Interior and Insular Affairs Committee and the Interior Appropriations Subcommittees to hold oversight hearings, including field hearings, in the 101st Congress, on the existing BIA procedures (25 CFR, Part 83) including the adequacy and timeliness of the existing process if so warranted.

Be it finally resolved that the Kaw Tribal Business Committee does support, at least, the proposed \$650,000 increase for FY '90 for the Branch of Acknowledgement and Research to enable the Bureau to more expeditiously process the pending Lumbee and other Indian groups' petitions.

RALEIGH, NC,
August 17, 1988.

Hon. JESSE HELMS,
U.S. Senate,
Washington, DC.

DEAR SENATOR HELMS: The Tuscarora Indian Community of Eastern North Carolina would like to enlist your help concerning the Lumbee Recognition Act. We like other eastern Indian groups have petitions for recognition under the Federal Acknowledgement Procedure. Will we get the same treatment

as the treatment and consideration as the Lumbees?

Secondly, the bill will seriously hurt our efforts for recognition because of its wording. For years now we have been trying to get from under the 1956 Lumbee Indian Act which designated all the Indians of Robeson and surrounding Counties as Lumbee Indians. However there were and still is other Indian tribes in that specified area. They are recognized by the state of North Carolina as separate tribal entities. They are the Ocharia Indians and the Wassamaw-Souian Indians. Are they also Lumbees? By the 1956 Act, they are because they live in counties that surround Robeson County. What about our people who live in Maxton and adjoining townships of western Robeson County? Are we Lumbees? No. Yet we will all fall into the designation as Lumbees. We will never be Lumbee Indians. We would rather die then give up our tribal heritage.

So this new bill force us to deny our heritage. A heritage that is older and has more of a historical bases. We are a separate tribal entity. We are desirous of preserving and confirming our tribal heritage. We would like to ask you if you can get them to change the bill. So it will either recognize us as a separate tribal entity or put a clause in it making it not applicable to us. We would prefer the first named item. Any assistance you can give us will be deeply appreciated.

Sincerely yours,

A. J. AUSTIN.

THE SAULT STE. MARIE TRIBE
OF CHIPPEWA INDIANS,

Sault Ste. Marie, MI, February 20, 1989.

Senator DANIEL K. INOUE,
Hart Senate Office Building,
Washington, DC.

DEAR SENATOR INOUE: I am writing today to request that you act to insure the established criteria be followed in regards to the Lumbee recognition issue. We are very concerned with attempts by the Lumbee group to circumvent existing criteria.

It is the position of the Sault Ste. Marie Band of Chippewa Indians that all groups seeking federal recognition should follow the established guidelines for federal recognition. Furthermore should the existing guidelines need clarification all federally recognized tribes should have input into any changes in that criteria. Finally we oppose any circumvention of the existing criteria for federal recognition.

It is the position and opinion of the Sault Ste. Marie Tribe of Chippewa Indians that the existing criteria is sufficient for establishing recognition for an Indian group.

We feel the underlying reasons for the lengthy delays in the recognition process is the small operating budget the Bureau of Acknowledgement and Records has to services such claims. We feel the best way to correct the process would be more appropriations for the Bureau of Acknowledgement and Records.

We request you act to insure the established criteria is followed in the recognition of any Indian group. We ask that our views be acknowledge as part of the public input on this matter.

In closing Mr. Chairman and Distinguished Members, I would like to extend my appreciation for the opportunity to enlighten your committee on this matter.

Respectfully,

BERNARD BOUSCHOR,
Tribal Chairman.

RESOLUTION NO. B-88-193

Whereas, the United South and Eastern Tribe is an inter-tribal council composed of

seventeen federally recognized tribes in the Eastern United States; and

Whereas, from time to time, various groups have approached the Board of Directors seeking support for their petitions for Federal recognition; and

Whereas, an established set of criteria exists within the Bureau of Indian Affairs to obtain said recognition.

Now, therefore, be it resolved that the Board of Directors of United South and Eastern Tribes hereby support any group that can successfully meet said criteria in their efforts to obtain Federal recognition.

RESOLUTION No. 116

Whereas, a petition has been submitted to The United South and Eastern Tribes, Inc. (USET) for that Indian organization to support a request for recognition of the Lumbee as a Federal Indian tribe; and,

Whereas, both the Eastern Band of Cherokee Indians and USET has in the past opposed Federal recognition of the Lumbee on specific grounds; and,

Whereas, the Eastern Band memorialized its position on the Federal recognition of any Indian group by specific objective standards in resolution No. 216 (1974); and,

Whereas, the Eastern Band does not reaffirm its consistent policy in this regard and requests USET not to support a request for Federal recognition by Lumbee or any other Indian group until or unless they satisfy the previously established criteria.

Now, therefore, be it resolved, by the Tribal Council of the Eastern Band of Cherokee Indians, in Annual Council assembled, with a quorum present, that The United South and Eastern Tribes, Inc. is hereby requested not to support any request for Federal recognition for tribal status by Lumbee or any other group unless or until such group satisfies at least four of the following seven criteria for Indian tribal status:

(1) A history of entering treaties with the United States Government.

(2) Show enrollment with a Federally recognized Indian tribe.

(3) Inclusion in the most recent BIA census.

(4) Substantial evidence of Indian language, history, foods, technology and religion.

(5) Recognition by national Indian tribal organizations to be a member of the root race or aborigine.

(6) Have a claim settled by or before the United States Claims Commission.

(7) Be an offspring of sufficient blood quantum recognized by the tribe, with proof of parents qualified under any four of the above.

RESOLUTION OF THE MONTANA/WYOMING CHAIRMEN'S ASSOCIATION

Whereas, legislation has been introduced in the Congress of the United States to legislatively grant Federal recognition to the Lumbee Indians of North Carolina, and

Whereas, there exists in the Code of Federal Regulations (25 CFR Part 83) a specific procedure and criteria for Indian groups to petition the Department of the Interior for Federal recognition, and

Whereas, this section of the CFR was established pursuant to pressure on the Bureau of Indian Affairs (BIA) by tribes and Congress to establish a consistent set of criteria under which Indian groups should petition for recognition, and

Whereas, the NCAI resolution that led to the establishment of these regulations called for "A valid and consistent set of criteria ap-

plied to every group which petitions for recognition. The criteria applied to every group which petitions for recognition. The criteria must be based on ethnological, historical, legal, and political evidence, and

Whereas, a number of groups have gone through the existing CFR, some which have been successful and some who have not met the criteria, have been rejected for recognition, and

Whereas, a number of groups, including one in Montana, are presently in the midst of having their petitions reviewed, and

Whereas, there is no justifiable reason for the Lumbee to be allowed to circumvent the established process by instead seeking legislative recognition, and

Now, therefore be it resolved that the Montana/Wyoming Tribal Chairmen's Association meeting in Billings, Montana, on September 15, and 16, 1988, does hereby go on record in opposition to S. 2572 and H.R. 5042.

RESOLUTION No. 88-219

Whereas, the above referenced legislation has been introduced in the Congress of the United States to legislatively grant federal recognition to the Lumbee Indians of North Carolina; and

Whereas, upon the recommendation of the National Congress of American Indians there were promulgated rules and regulations contained in 75 CFR, part 83 providing for specific procedures and criteria for Indian groups to petition the Department of Interior for federal recognition; and

Whereas, a number of Indian groups have gone through the existing CFR process, of which some, having met the criteria, were recognized and others not meeting the criteria were rejected; and

Whereas, the legislation singles out one Indian group for expeditious treatment in the face of a lack of any rational reason for doing so and with the knowledge that several tribal groups with meritorious petitions for such recognition, including the Little Shell Band of Montanas, will be required to complete the CFR process; and

Whereas, the creation of the second largest Indian tribe in the United States and the concomitant fiscal burden estimated in excess of One Hundred Million Dollars (\$100,000,000.00) should not be made without the deliberate and careful consideration of ethnological, historical, legal and political evidence as required by the CFR process;

Now, therefore, be it resolved, that the Confederated Salish and Kootanai Tribes of the Flathead Reservation, hereby records its opposition to the "Lumbee Recognition Act" and urges that the act be rejected, and that the Lumbee petition for recognition be allowed to take its course within the Department of Interior process set out in 25 CFR, part 83.

RESOLUTION No. 88-58

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and several States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

Whereas, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

Whereas, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians in the states of Washington, Idaho, Montana, Oregon, Nevada, northern California, and Alaska; and

Whereas, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of Affiliated Tribes of Northwest Indians; and

Whereas, the existing tribes in the United States and the Bureau of Indian Affairs have established a Federal Acknowledgement process, known as the Bureau of Acknowledgement and Research (BAR), to review and determine the eligibility of a petitioning tribe to become a Federally Acknowledged Tribe; and

Whereas, this BAR process has established criteria that must be met to determine the validity of a petitioning tribe's status as a Federally Acknowledged tribe; and

Whereas, many of unrecognized tribes in the United States have been denied Federal Acknowledgement through this process (BIA Bureau of Acknowledgment and Research); and

Whereas, many of these same tribes, as well as others, are attempting to become Federally Acknowledged through Congressional legislation as an alternative approach; and

Whereas, Federal Acknowledgement should be based on established research principles rather than political judgements; and

Whereas, ATNI does not believe that the Committees of Congress have the time, resources, expertise, or knowledge of this field to adequately or qualitatively research the validity of the acknowledgement of a tribe and that to legislatively acknowledge a new tribe circumvents the existing Bureau of Acknowledgement and Research process; and

Whereas, ATNI is also deeply concerned that this BAR process has sufficient funding, staff, and resources to expeditiously and adequately process the number of petitions that have been submitted through this program; and

Whereas, ATNI is also concerned about the final judgement within the BAR process that makes the final determination of eligibility based on the submitted criteria and feels that the Bureau of Indian Affairs should review this step to determine if a more equitable approach could be incorporated in lieu of the existing procedural now

Therefore, be it resolved, that Affiliated Tribes of Northwest Indian does hereby urge the President, Congress, National Congress of American Indians, and other tribes in the United States to only acknowledge the existing process known as the BIA Bureau of Acknowledgement and Research as the appropriate process for an alleged Indian Tribe to become Federally Acknowledged; and

Be it further resolved, that due to the magnitude of petitions submitted through this process and the backlog that currently exists, ATNI encourages the Bureau of Indian Affairs and Congress to increase the funding, staff, and resources of the BAR program, as well as review the procedures and criteria of the process to increase the accuracy and effectiveness of the process, as well as determine the fairness of the criteria and the appropriateness of the final determination step.

RESOLUTION 3-1-89-1

Whereas: legislation was pending in the 100th Congress, and is likely to be reintroduced in the 101st Congress, to legislatively grant federal recognition to the Lumbee Indians of North Carolina; and

Whereas: the American Indian Policy Review Commission, the Congress of the United States and the National Congress of American Indians have all previously called for the establishment of a consistent set of criteria and a special office through which unrecognized groups of Indians could petition for federal recognition; and

Whereas: the Bureau of Indian Affairs has responded to such recommendations by promulgating rules and regulations contained in 25 CFR, Part 83, providing for specific procedures and criteria for Indian groups to petition the Department of the Interior for federal recognition; and

Whereas: a number of Indian groups have gone through the existing CFR process, of which some, having met the criteria, were recognized and others, not meeting the criteria were rejected; and

Whereas: the proposed Lumbee legislation singles out one petitioning group for expeditious treatment without any true rational or unique reason for doing so and with the knowledge that several tribal groups with meritorious petitions for such recognition will be required to complete the CFR process; and

Whereas: the creation of one of the largest tribes in the United States and the concomitant fiscal outlay estimated at between \$90 million to \$120 million annually and the establishment of a fiduciary trust relationship with a tribe should not be made without the deliberate and careful consideration of ethnological, historical, legal and political evidence as required by the CFR process;

Now therefore be it resolved that the Cabazon Band of Mission Indians does hereby state its position that groups of non-federally recognized Indians desiring federal recognition should go through an administrative process whereby a consistent set of criteria can be uniformly and deliberately applied using ethnological, historical, legal and political evidence and does therefore call upon the Congress to reject legislation granting recognition to the Lumbee Indians of North Carolina.

Be it further resolved that the Cabazon Band of Mission Indians does hereby call on the Senate Select Committee on Indian Affairs, the House Interior and Insular Affairs Committee and the Interior Appropriations Subcommittee to hold oversight hearings including field hearings, in the 101st Congress, on the existing BIA procedures (25 CFR, Part 83) including the adequacy and timeliness of the existing process as well as sufficiency of budget and staff at the Branch of Acknowledgement and Research and to make recommendations for changes to the existing process if so warranted.

Be it finally resolved that the Cabazon Band of Mission Indians does support, at the least, the proposed \$650,000 increase for FY '90 for the Branch of Acknowledgement and Research to enable the Bureau to more expeditiously process the pending Lumbee and other Indian groups' petitions.

RESOLUTION NO. WR-62-89

Be it resolved by the Tribal Council of the Walker River Paiute Tribe that:

Whereas, the governing body of the Walker River Paiute Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934 (48 Stat 984) as amended, to

exercise certain rights of home rule and be responsible for the promotion of the economic and social welfare of its members, and

Whereas, legislation is now pending in the Congress to legislatively grant federal recognition to the Lumbee Indians of North Carolina and,

Whereas, the American Indian Policy Review Commission, the Congress of the United States and the National Congress of American Indians have all previously called for the establishment of a consistent set of criteria and a special office through which unrecognized groups of Indians could petition for federal recognition and,

Whereas, the Bureau of Indian Affairs has responded to such recommendations by promulgating rules and regulations contained in 25 CFR, Part 83, by providing for specific procedures and criteria for Indian groups to petition the Department of the Interior for federal recognition and,

Whereas, more than twenty Indian groups have gone through the existing CFR process, with those meeting the criteria being recognized and those not meeting the criteria being rejected and,

Whereas, the proposed Lumbee bill singles out one petitioning group for expeditious treatment without any true rationale or unique reason for doing so and with the knowledge that several tribal groups with meritorious petitions for such recognition will be required to complete the CFR process and,

Whereas, the creation of one of the largest tribes in the United States, with approximately 40,000 members and the expected fiscal outlay establishment of a fiduciary trust relationship with a tribe should not be made without the deliberate and careful consideration of ethnological, historical, legal and political evidence as required by the CFR process.

Now therefore, be it resolved, by the Tribal Council of the Walker River Paiute Tribe, that the Walker River Paiute Tribe does hereby state its position that groups of non-federally recognized Indians desiring federal recognition should go through an administrative process whereby a consistent set of criteria can be uniformly and deliberately applied by historians and anthropologists using ethnological, historical, legal and political evidence, and the Walker River Paiute Tribe does therefore call upon the Congress to reject legislation that would grant recognition to the Lumbee Indians of North Carolina.

Be it further resolved, that the Walker River Paiute Tribe does support the proposed funding increase for FY '90 for the Branch of Acknowledgement and Research (BAR) to enable the Bureau to more expeditiously process pending petitions and does hereby call upon the Congress to support this and further increases in the BAR budget if needed.

Be it further resolved, that should the Interior Solicitor indicate that the 1956 Lumbee legislation creates an obstacle to processing the ruling on the Lumbee BAR petition, the Walker River Paiute Tribe would support an amendment to that Act clarifying that nothing in said Act should effect the ability of the BIA to process and rule on the merits of the pending Lumbee recognition petition.

Be it further resolved, that the Walker River Paiute Tribe does hereby support legislation similar to S. 912 as introduced by Senator John McCain to establish meaningful and realistic time frames for the BIA to process pending petitions for recognition and

which also preserves the existing well established criteria as contained in 25 CFR, Part 78.

SUMMARY STATUS OF ACKNOWLEDGMENT CASES

Petitions pending: 35.
BAR's action items: 9.
Active consideration: 5.
Final determinations: 1—Mohegan.
Proposed findings: 4—Snoqualmie, United Houma Nation, Duwamish (under contract), Ramapough.

Waiting to be placed on active consideration: 3—Chinook Indian Tribe, Pokagon Potawatomi, MOWA Band of Choctaw.

Deficiency reviews: 1—Piro/Manso/Tiwa Indian Tribe of the Pueblo of San Juan de Gualupe.

Petitioner's action items: 26.
Commenting on proposed finding: 1—Snohomish.

Responding to deficiencies: 25.
Letters of intent to petition: 65.
Preparing petition/in contact with BAR: 46.

Inactive/does not respond to BAR inquiries: 19.

In litigation: 3—Samish (denied acknowledgment), San Juan Paiute (acknowledged), Ione (letter of intent to petition).

Cases resolved: 28.
By department: 23.
Through acknowledgment process: 5.

Acknowledged: 8.
Denied acknowledgment: 13.
Determined part of recog'd tribe: 1—Texas Kickapoo.

Status clarified by legislation at department's request: 1—Lac Vieux Desert.
By Congress: 4.

Legislative restoration: 1—Confederated Tribes of Coos, Lower Umpqua & Siuslaw, OR.

Legislative recognition: 3—Cow Creek Band of Umpqua, Western (Mashantucket) Pequot, Aroostook Band of Micmacs.

By Other Means: 1—Merged with another petitioner: 1.

Cases requiring legislative action (Legislation required to permit processing under 25 CFR 83): 7—Lumbee Regional Development Assn., Hatteras Tuscarora Indians, Cherokees of Robeson & Adjoining Cos., Tuscaroras, Drowning Creek, Waccamaw Siouan Devlpmt Assn., Cherokees of Hoke Co., Tuscarora Nation of NC.

DETAILED STATUS OF ACKNOWLEDGMENT CASES

PETITIONS—35

Bar's action items—9

Under Active Consideration—5

Final Determination—1:
1032: Mohegan Indian Tribe, CT (#38) (A/C 11/3/87; pending, proposed neg finding pub'd 11/9/89; comments complete 3/1/91)

Proposed Findings—4:
425: Snoqualmie Indian Tribe, WA (#20) (A/C 5/21/90; Anthro section under contract)

17657: United Houma Nation, Inc., LA (#56) (A/C 5/20/91; proposed finding due 11/20/92)

356: Duwamish Indian Tribe, WA (#25) (A/C 5/1/92 under contract)

c2500: Ramapough Mountain Indians, Inc., NJ (#58) (A/C 7/14/92)

Waiting to be Placed on Active Consideration—3:

These petitions have been reviewed for obvious deficiencies in accordance with 25 CFR 83.9(b); petitioners have corrected deficiencies and/or have stated that their petition should be considered "ready" for active consideration.

Chinook Indian Tribe, Inc., WA (#57) (doc'n recv'd 6/12/81; CD ltr 3/8/82; rspns recv'd 7/23/87; 2nd CD ltr 11/1/88; complete, "ready" 8/13/92)

c2500: Pokagon Potawatomi Indians of Indiana & Michigan, IN (#75/78) (doc'n recv'd 11/2/88; CD ltr 2/22/90; rspns recv'd 6/13 & 9/18/91; complete, "ready" 9/18/91)

3250: MOWA Band of Choctaw, AL (#86) (doc'n recv'd 4/28/88; CD ltr 2/15/90; rspns recv'd 11/8/91; complete, "ready" 11/19/91)

Deficiency Reviews ("CD")—1:

These are documented petitions which are under staff review or awaiting review for obvious deficiencies under 25 CFR 83.9(b). (*—under review) Piro/Manso Tiwa Indian Tribe of the Pueblo of San Juan de Guadalupe (formerly Tiwa Indian Tribe), NM (#5) (doc'n recv'd 3/24/92)

Petitioner's action items—26:

Commenting on Proposed Finding—1:

836: Snohamish Tribe of Indians, WA (#12) (pending; proposed negative finding pub'd 4/11/83; edited staff notes provided 3/25/91; comment period reopened 12/1/91, extended to 4/3/93 at petitioner's request)

Responding to Deficiencies—25:

These petitions have been reviewed by staff in accordance with 25 CFR 83.9(b); although petitioners have been advised both orally and in writing of obvious deficiencies ("OD letter"), the petitioner has not officially responded to the deficiencies or has responded, but only in part.

Delawares of Idaho (#55) (doc'n recv'd 6/14/79; OD ltr 9/24/79; partial respnse 12/10/79)

Georgia Tribe of Eastern Cherokees, Inc. (aka Dahlonega), GA (#41) (doc'n recv'd 2/5/80; OD ltr 8/22/80)

Seminole Nation of FL (aka Traditional Seminole) (#89) (doc'n recv'd 11/10/82; OD ltr 10/5/83, lacks genealogy; partial rpsns 12/7/83)

Jena Band of Choctaws, LA (#45) (doc'n recv'd 5/2/85; OD ltr 9/11/86; response 11/25/86; 2nd OD ltr 10/1/87)

Huron Potawatomi Band (#9) (doc'n recv'd 2/3/87; OD ltr 10/13/87)

Shasta Nation, CA (#83) (doc'n recv'd 7/24/84; OD ltr 5/30/85; response 6/8/86; 2nd OD ltr 10/22/87)

Little Shell Tribe of Chippewa Indians of MT (#31) (OD ltr 4/18/85; partial response 11/2/87, 10/26/89; "not ready" 8/17/90)

Stellacoom Tribe (#11) (doc'n recv'd 10/27/86; OD ltr 11/30/87)

Nipmuc Tribal Council of MA (#69) (doc'n recv'd 7/20/84; OD ltr 3/1/85; response 6/12/87; 2nd OD ltr 2/5/88)

Tolowa Nation, CA (#85) (doc'n recv'd 5/12/86; OD ltr 4/6/88)

American Indian Council of Mariposa County (aka Yosemite), CA (#82) (doc'n recv'd 4/19/84; OD ltr 5/1/85; rsp 12/12/86; 2nd OD ltr 4/11/88)

Yokayo, CA (#104) (doc'n recv'd 3/9/87; OD ltr 4/25/88)

Cowlitz Tribe of Indians, WA (#16) (doc'n recv'd 2/1/83; OD ltr 6/15/83; response 2/10/87; 2nd OD ltr 10/21/88)

Juaneno Band of Mission Indians, CA (#84) (doc'n recv'd 2/24/88; OD ltr 1/25/90)

Hayfork Band of Nor-El-Muk Wintu Indians, CA (#93) (doc'n recv'd 9/27/88; OD ltr 2/26/90)

Eastern Pequot Indians of Connecticut, CT (#35) (doc'n recv'd 5/5/89; OD ltr 3/13/90)

Haliwa-Saponi, NC (#63) (doc'n recv'd 10/19/89; OD ltr 4/20/90)

Oklawaha Band of Seminole Indians, FL (#117) (doc'n complete 2/12/90; OD ltr 4/24/90)

St. Francis/Sokoki Band of Abenakis of VT (#68) ("not ready" 9/18/90)

Mashpee Wampanoag, MA (#15) (doc'n recv'd 8/16/90; OD ltr 7/30/91)

Clifton Choctaw, LA (#30) (ltr/doc'n recv'd c.9/28/90; OD ltr 8/13/91)

Indian Canyon Band of Coastanoan/Mutsun Indians of CA (#112, 6/9/89) (doc'n recv'd 7/27/90; OD ltr 8/23/91)

North Fork Band of Mono Indians, CA (#90) (doc'n recv'd 5/15/90; OD ltr 10/28/91)

Snoqualmoo of Whidbey Island, WA (#108) (doc'n recv'd 4/16/91; OD ltr 8/13/92)

Yuchi Tribal Organization, OK (#121) (doc'n recv'd 9/9/91; OD ltr 9/14/92)

LETTERS OF INTENT TO PETITION—65

These are typically undocumented letter petitions which state that the group is currently working on the petition and will submit the required documentation at a later date. No action can be taken by staff until a documented petition is received. Petitioners are grouped below by status based on the most recent information available.

Preparing Petition/In Contact with BAR—46:

Ione Band of Miwok Indians, CA (#2, 1916) Shinnecock Tribe, NY (#4, 2/8/78)

Mono Lake Indian Community, CA (#21, 7/9/76)

Washoe/Paiute of Antelope Valley, CA (#22, 7/9/76)

Antelope Valley Paiute Tribe, CA (#22a, 7/9/76)

Maidu Nation, CA (#24, 1/6/77)

Piscataway-Concy Confederacy & Sub-Tribes, Inc., MD (#28, 2/22/78)

Florida Tribe of Eastern Creek Indians, FL (#32, 6/2/78)

Tsimshian Tribal Council, AK (#36, 7/2/78)

Choctaw-Apache Community of Ebarb, LA (#37, 7/2/78)

Nanticoke Indian Association, DE (#40, 8/8/78)

Cane Break Band of Eastern Cherokees, GA (#41a, 1/9/79)

Tuscola United Cherokee Tribe of FL & AL, Inc., FL (#43, 1/19/79)

Kern Valley Indian Community, CA (#27, 2/27/79)

Hattadare Indian Nation, NC (#49, 3/16/79)

Brotherton Indians of Wisconsin, WI (#67, 4/15/80)

Coharie Intra-Tribal Council, Inc., NC (#74, 3/13/81)

Schaghticoke Indian Tribe, CT (#79, 12/14/81)

Coastal Band of Chumash Indians, CA (#80, 3/25/82)

Golden Hill Paugussett Tribe, CT (#81, 4/13/82)

Dunlap Band of Mono Indians, CA (#92, 1/4/84)

San Luis Rey Band of Mission Indians, CA (#96, 10/18/84)

Wintu Indians of Central Valley, California, CA (#97, 10/26/84)

Northern Cherokee Tribe of Indians, MO (#100, 7/26/85)

Burt Lake Band of Ottawa & Chippewa Indians, Inc., MI (#101, 9/12/85)

Pahrump Band of Paiutes, NV (#105, 11/9/87)

Wukchumni Council, CA (#106, 2/22/88)

Choinumni Council, CA (#109, 7/14/88)

Coastanoan Band of Carmel Mission Indians, CA (#110, 9/16/88)

Ohlone/Coastanoan Muwekma Tribe, CA (#111, 5/9/89)

Paucatuck Eastern Pequot Indians of CT (#113, 6/20/89)

Canoncito Band of Navajos, NM (#114, 7/31/89)

Little Traverse Bay Bands of Odawa Indians, MI (#115, 9/27/89)

Salinan Nation, CA (#116, 10/10/89)

Revived Ouachita Indians of AR & America (#118, 4/25/90)

Meherrin Indian Tribe, NC (#119, 8/2/90)

Amah Band of Ohlone/Coastanoan Indians, CA (#120, 9/18/90)

Etowah Cherokee Nation, TN (#122, 1/2/91)

Upper Kispoko Band of the Shawnee Nation, IN (#123, 4/10/91)

Piqua Sept of Phio Shawnee Indians, OH (#124, 4/16/91)

Little River Band of Ottawa Indians, MI (#125, 6/4/91)

Chickamauga Cherokee Indian Nation of AR & MO (#100a, 9/5/91)

Lake Superior Chippewa of Marquette, Inc., MI (#126, 12/31/91)

Nanticoke Lenni-Lenape Indians, NJ (#127, 1/3/92)

Northern Cherokee Nation of Old Louisiana Terr., MO (#100b, 2/19/92) GunLake Village Band & Ottawa Colony Band of Grand River Ottawa Indians, MI (#128, 6/24/92)

Inactive/Does not respond to BAR inquires—19:

Group has not responded to written inquires—(14):

Little Shell Band of North Dakota, ND (#18, 11/11/75)

Four Hole Indian Orgn/Edisto Tribe, SC (#23, 12/30/76)

Delaware-Muncie, KS (#33, 6/19/78)

Coree [formerly Faircloth] Indians, NC (#39, 8/5/78)

Shawnee Nation U.K.B., IN [formerly Shawnee Nation, United Remnant Band, OH] (#48, 3/13/79)

North Eastern U.S. Miami Inter-Tribal Council, OH (#50, 4/9/79)

Santee Tribe, White Oak Indian Community, SC (#53, 6/4/79)

Allegheny Nation (Ohio Band), OH (#60, 11/3/79)

United Rappahannock Tribe, Inc., VA (#61, 11/16/79)

Charokees of Jackson County, Alabama, AL (#77, 9/23/81)

Christian Pembina Chippewa Indians, ND (#94, 6/26/84)

Cherokee-Powhattan Indian Association, NC (#95, 9/7/84)

Wintoon Indians, CA (#98, 10/26/84)

Cherokees of SE Alabama, AL (#107, 5/27/88)

Efforts to contact have been unsuccessful—(5):

Cherokee Indians of Georgia, Inc., GA (#27, 8/8/77)

Kah-Bay-Kah-Nong (Warroad Chippewa), MN (#46, 2/12/79)

Upper Mattaponi Indian Tribal Association, Inc., VA (#62, 11/26/79)

Consolidated Bahwetig Ojibwas and Mackinac Tribe, MI (#64, 12/4/79)

Chuckchansi Yokotch Tribe, CA (#99, 5/9/85)

CASES IN LITIGATION—3

Samish (Denied Acknowledgment 5/6/87)

San Juan Paiute (Acknowledged 3/28/90)

Ione (Letter of Intent to Petition, 1916)

CASES RESOLVED—28

Resolved by Department—(23)

Acknowledged through 25 CFR 83—8:

297: Grand Traverse Band of Ottawa & Chippewa, MI (#3) (effective 5/27/80)

175: Jamestown Clallam Tribe, WA (#19) (eff. 2/10/81)

200: Tunica-Biloxi Indian Tribe, LA (#1) (eff. 9/25/81)

199: Death Valley Timbi-Sha Shoeshone Bank, CA (#51) (eff. 1/3/83)

1170: Narragansett Indian Tribe, RI (#59) (eff. 4/11/83)

1470: Poarch Band of Creeks, AL (#13) (eff. 8/10/84)

521: Wampanoag Tribal Council of Gay Head, MA (#76) (eff. 4/11/87)

188: San Juan Southern Paiute Tribe, AZ (#71) (eff. 3/28/90)

Denied acknowledgment through 25 CFR 83—13:

- 1041: Lower Muskogee Creek Tribe-East of the Mississippi, GA (#8) (effective 12/21/81)
 2696: Creeks East of the Mississippi, FL (#10) (eff. 12/21/81)
 34: Munsee—Thames River Delaware, CO (#26) (eff. 1/3/83)
 1321: United Lumbee Nation of North Carolina and America, CA (#70) (eff. 7/2/85)
 1530: Kaweah Indian Nation, CA (#70a) (eff. 6/10/85)
 324: Principal Creek Indian Nation, AL (#7) (eff. 6/10/85)
 823: Southeastern Cherokee Confederacy (SECC), GA (#29) (eff. 11/25/85)
 609: Northwest Cherokee Wolf Band, SECC, OR (#29a) (eff. 11/25/85)
 87: Red Clay Inter-tribal Indian Band, SECC, TN (#29b) (eff. 11/25/85)
 304: Tchinouck Indians, OR (#52) (eff. 3/17/86)
 590: Samish Indian Tribe, Inc., WA (#14) (eff. 5/6/87)
 275: MaChis Lower AL Creek Indian Tribe, AL (#87) (eff. 8/22/88)
 4381: Miami Nation of Indians of State of IN, Inc., IN (#66) (eff. 8/17/92)

Determined Part of Recognized Tribe—1

- 650: Texas Band of Traditional Kickapocs, TX (#54) (Determined part of recognized tribe 9/14/81; petition withdrawn)

Status Clarified by Legislation at Department's Request—1

- c224: Lac Vieux Desert Band of Lake Superior Chippewa Indians, MI (#6) (legis clarification of recog'n status 9/8/88)

Resolved by Congress—(4)

Legislative Restoration—1

- 328: Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, OR (#17) (legis restoration 10/17/84)

Legislative Recognition—3

- 651: Cow Creek Band of Umpqua Indians, OR (#72) (legis recognition 12/29/82)
 55: Western (Mashantucket) Pequot Tribe, CT (#42) (legis recog'n 10/18/83 in association with eastern land claims suit)
 611: Aroostock Band of Micmacs, ME (#103) (legis recog'n 11/26/91)

Resolved by other means—(1)

Petition withdrawn (merged with another petition)—1:

- Potawatomi Indians of IN & MI, Inc., MI (#75) and Potawatomi Indian Nation, Inc. (Pokagon), MI (#78) merged; now Pokagon (#75/78)

CASES REQUIRING LEGISLATIVE ACTION—7

Cases requiring legislation to permit processing under 25 CFR 83—7:

- Lumbee Regional Development Association (LRDA/Lumbee) (#65)
 Hatteras Tuscarora Indians, NC (#34)
 Cherokee Indians of Robeson and Adjoining Counties, NC (#44)
 Tuscarora Indian Tribe, Drowning Creek Res. NC (#73)
 Waccamaw Siouan Development Association, Inc., NC (#88)
 Cherokee Indians of Hoke County, Inc., NC (#91)
 Tuscarora Nation of North Carolina, NC (#102)

Note

Petitioners on hand with Acknowledgment staff organized Oct. 1978: 40.
 New petitioners since Oct. 1978: 95.
 Total Petitioners: 135.
 135 total petitioners, includes 8 groups that initially petitioned as part of other groups,

but have since split off to petition independently.

□ 1310

Mr. RICHARDSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I stand to express my support for the passage of H.R. 334, the Lumbee Recognition Act.

The State of North Carolina formally recognized the Lumbee Indians in 1885. Under legislation passed in 1956, Congress lamely recognized them as an Indian tribe—in name only—but denied them services due all recognized Indians through the Bureau of Indian Affairs. They are an independent Indian community residing in eastern North Carolina, predominantly in Robeson County, but spreading into surrounding counties, including Cumberland and Bladen Counties, which are in my congressional district. They host a membership of over 40,000. The Lumbees are proud people—proud of their heritage and of their community. They teach their children this heritage and raise them to be proud to be Lumbee and proud to be citizens of the United States.

This tribe has been seeking Federal recognition since 1899, yet the Department of the Interior has consistently denied them tribal status. Finally in 1956, Congress did recognize the Lumbee Tribe; however, precluding these people from the Federal services to which other Indian tribes are entitled. It is time to rectify this situation and make the Lumbees a nationally recognized tribe and treat them with the same respect other tribes across the Nation are treated.

It is a travesty that the Lumbee is being prevented from full recognition just because there are other tribes who fear their own Federal funding will be effected.

I oppose the amendment offered by Representative THOMAS of Wyoming. He would have the tribe go back through the Bureau of Indian Affairs when, in fact, this has been tried many times in the past. The tribe has been turned away in large part due to the population which officials in the Interior Department believe could restrict funding to other tribes. They should be recognized solely because they are a proven Indian tribe and should not be denied due to the fiscal situation of the Bureau of Indian Affairs.

Mr. Chairman, I include the following material on the Lumbee Recognition Act, H.R. 334:

OBJECTIONS AND RESPONSES—LUMBEE RECOGNITION ACT, H.R. 334

THERE IS ALREADY AN ADMINISTRATIVE PROCESS AT BIA, WHY AREN'T THE LUMBEE USING IT?

The Associate Solicitor at the Interior Department ruled in October of 1989, that the Lumbee Tribe was ineligible to proceed through the BIA process, due to a statutory

bar in the 1956 Lumbee Act (copy of opinion is attached). The 1956 Lumbee Act recognized the Lumbees by name, but prohibited them from receiving any benefits or services from the federal government.

Aside from present ineligibility, the historic bias of the BIA against Lumbee will preclude any favorable administrative action. In 1991, BIA officials testified in opposition to the bill at a recent joint hearing with the House Committee on Interior and Insular Affairs and the Senate Select Committee on Indian Affairs. During that hearing, present Branch of Acknowledgement and Research personnel made it clear that they intend to deny the Lumbee petition under current regulations despite the recommendations of other academic scholars.

WHY NOT REPEAL THE 1956 LEGISLATION, THEN REQUIRE THE LUMBEES TO PROCEED THROUGH THE BIA PROCESS?

Congress has never required any Indian group to obtain both legislation and administrative action to become recognized. Over the fifteen years that the Department's acknowledgement process has been in place, Congress has considered the status of ten other tribes subject to statutes that barred them from the administrative process. In each case, Congress enacted comprehensive recognition legislation. One of these situations, that the Ysleta del Sur (formerly Tiwa) of Texas, is very similar to the Lumbee situation in that the tribe had no relationship with the federal government before the enactment of termination-type legislation that precluded administrative acknowledgement. The language in the Tiwa bill was modeled after the Lumbee bill and Congress has since restored their recognition rights. The Lumbee Tribe is simply asking Congress to follow through with its past practice in these situations.

HAS THE LUMBEES' NATIVE AMERICAN IDENTITY BEEN FIRMLY ESTABLISHED?

The Committee's hearing record contains testimony from leading anthropologists and historians, notably Dr. William Sturtevant of the Smithsonian Institution, who has concluded that the Lumbee Tribe meet all the criteria for federal recognition. The Lumbees were recognized by the State of North Carolina in 1885, and began seeking federal recognition in 1888. In response to federal bills, Congress asked the Interior Department to investigate the Tribe's history and condition. On three separate occasions, in 1912, 1915, and 1933, the Department concluded that the Lumbees were indeed Indians, existing as a separate and independent community. The most comprehensive study, done in 1914, traced their origin to Cheraw and other coastal tribes. This study far exceeds in length and detail these presently done by the BIA on petitions for recognition.

IF THE RECORD IS CLEAR, WHY HAVEN'T THEY ALREADY BEEN RECOGNIZED?

Each time a bill was introduced to recognize the Lumbee Tribe, the Department of the Interior testified in opposition, generally because of the size and consequent cost of recognizing the tribe. Recent history also reflects this concern on the part of the BIA. The Bureau's objections about the size of the Lumbee has come up repeatedly in off-the-record discussions between members of the Lumbee Tribe and some BIA officials. BIA officials often privately acknowledge that, had it not been for the size of the tribe, the Lumbee Tribe would have been recognized long ago. Secretary Babbitt, of the Department of the Interior, supports H.R. 334 and the Administration has recently stated that

they have no longer have any opposition to the bill.

IS THE TRIBE'S ENROLLMENT PROCESS LEGITIMATE SO THAT ONLY LUMBEE INDIANS ARE ENROLLED?

The Lumbee Tribe requires documentation to prove eligibility for every individual that applies. An applicant must be a descendant of an ancestor that appeared on the 1890 and 1900 census. Of the 40,000 enrolled members, approximately 90% reside in Robeson and adjoining counties. All of the members have proven Lumbee ancestry and maintain close ties to the tribe and community. In addition, H.R. 334 authorizes the Secretary of the Interior to verify the validity of the Lumbee roll. WOULDNT LUMBEE RECOGNITION OPEN THE FLOODGATES FOR OTHER TRIBES SEEKING RECOGNITION?

There will always be tribes who seek recognition legislatively, but most of these tribes are eligible for the BIA process. The '56 Act is the only remaining termination era statute that bars administrative action on tribal status according to the Department of Interior. Earlier this month, Congress passed a bill which finalized a land claims settlement as well as federal recognition for the Catawba Tribe in South Carolina. Therefore, Lumbee is the only remaining tribe to be dealt with. The Committee would be following precedent by recognizing the Lumbee legislatively and would not establish a precedent for any other tribe to do the same.

DO OTHER TRIBES SUPPORT THE LUMBEE BILL?

Most of the tribes that have been willing to meet with Lumbee leaders support the legislative efforts of the tribe. However, there are tribes, especially those in the western states who are not as familiar with Lumbee and their special eastern heritage. Other tribes mistakenly think the Lumbee would be receiving preferential treatment if they were recognized legislatively. There is some concern that they will receive fewer benefits if the Lumbees are brought into the picture. HR 334 addresses these concerns by stating that Lumbee is not eligible for services until additional funds are appropriated specifically for the tribe.

WHAT ABOUT THE BUDGETARY IMPACT OF LUMBEE RECOGNITION ON THE NEEDS OF OTHER TRIBES?

Several provisions are included to give the Appropriations Committee flexibility to address the needs of the Lumbee people, without threatening the budgets of other federally recognized tribes. This legislation requires that any BIA funding for the Lumbee must come through a separate appropriation, separate from outlays for other federally recognized tribes. This funding mechanism has been endorsed by a former Assistant Secretary for the Department of Interior during the Reagan Administration.

If H.R. 334 was passed, it would be three to four more years before the Department of Interior and the Department of Health and Human Services completed its evaluation of the Tribe's membership rolls and budgetary needs. The CBO has stated that this bill is not subject to pay-as-you-go procedures because it would not affect direct spending or receipts.

DO THE LUMBEE PLAN TO OPEN GAMING OPERATIONS OR CASINOS?

No. In fact, the current tribal government has passed a resolution which states that it is not their intention now or in the future to engage in Indian gaming activity.

Mr. RICHARDSON. Mr. Chairman, I yield 5 minutes to the gentleman from American Samoa [Mr. FALOMAVAEGA].

Mr. FALOMAVAEGA. Mr. Chairman, I want to first commend our subcommittee chairman, the gentleman from New Mexico [Mr. RICHARDSON] for his leadership and hard work, and whereby this bill is now before us for consideration. Also I want to thank our full committee chairman, GEORGE MILLER, for his guidance and support throughout the hearings process, and the approval of the members of the Committee on Natural Resources.

Mr. Chairman, I want to especially recognize the gentleman from North Carolina [Mr. ROSE] as the chief sponsor of H.R. 334—this bill simply will provide that the Lumbee Indian Tribe of North Carolina will be given Federal recognition.

Mr. Chairman, I have the highest regard for any colleague and friend from Wyoming [Mr. THOMAS], the ranking minority member on our Subcommittee on Indian Affairs. I respect his opinions and in some instances we have agreed on policies and legislation brought before the committee. I regret, however, that we have an honest disagreement concerning the provisions of this bill.

Our critics have emphasized the importance of process, that is, the recognition process that was established Federal regulations since 1978.

Mr. Chairman, the Lumbee Tribe went through the process—7 more years of haggling with the Federal bureaucracy and costing the tribe over \$500,000 for the process.

Mr. Chairman, the Lumbee people have been subjected to 110 years of cruel and demeaning processes imposed upon them by our own national Government. And I submit, Mr. Speaker, this institution—the Congress of the United States—has to take full responsibility for this tragic episode of our dealings with native Americans.

Mr. Chairman, throughout the 110-year period these noble people have been subjected to several processes instituted by our own Federal Government. First, our national process was to exterminate the native Americans. Then, our next national policy was to forcibly remove the native Americans from their homelands, and as evidenced by trails of many tears and trails of broken treaties and promises. Our third national policy or process then was to assimilate native Americans into the mainstream of American life—make them all Americans—bury their culture and desecrate the graves of the millions who have passed on. Still yet, Mr. Chairman, our fourth national process toward native Americans was most of termination, that is, do not even call them tribes or Americans Indians anymore. Then under the circumstances, another national process that has evolved was to divide and divide again the native Americans, that is, have the tribes fight among themselves given the limited resources they

have to live under most unfavorable living conditions.

Mr. Chairman, again I plead with my colleagues of the House. The Lumbees do not want handouts and they are not begging for Federal recognition. In the almost 5 years that to have served as a member of this committees that handles native American issues—the hearings and testimonies that I have listened to concerning the Lumbee Tribe of North Carolina, I have never witnessed a record as clear on how the Federal Government—and specifically this institution, the Congress of the United States, with a specific and clear mandate from the Federal Constitution—that we have failed miserably to provide the Lumbee Tribe proper recognition.

I commend the gentleman from Tennessee [Mr. QUILLEN], the ranking minority member of the Rules Committee for his support of this legislation.

Mr. Chairman, let us all do the right thing. I urge my colleagues to support H.R. 334.

□ 1320

Mr. RICHARDSON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. ROSE], the author of the bill.

Mr. ROSE. Mr. Chairman, last year the House passed the Lumbee Recognition Act, and I am pleased that this body has an opportunity today to once again take the first step toward the recognition of a group of native Americans which I have been fortunate to represent during my time in Congress. The Lumbee Tribe of Cheraw Indians have maintained a distinct community in southeastern North Carolina for hundreds of years. This alone is impressive, considering early European settlement in this region and numerous attempts to drive these native Americans out of the area.

The Lumbee have been active and respected members of the national native American community for many years. The tribe was recognized by the State of North Carolina in 1885. In fact, it seems that the Federal Government is the only entity which has failed to recognize the Lumbee and its special heritage. On June 7, 1956, Congress passed a bill which left their status as recognized native Americans in limbo. Thirty-seven years have passed and the Lumbee's status is still unresolved.

Mr. Chairman, there are three important points that I would like to make so that Members can understand why the Lumbee's situation is unique and deserves special attention.

First, the Associate Solicitor of Indian Affairs for the Department of the Interior ruled in 1989 that the 1956 act precluded the tribe from proceeding through the administrative process for recognition. This ruling came 2 years after the tribe had submitted their painstakingly prepared petition to the

BIA. In fact, the tribe spent 10 years assembling documentation for its petition and raising funds for legal costs. Obviously, the Lumbee have made every effort to comply with the BIA's recognition process. That process has failed them, and now they are placed in a position where legislative action is not a choice, but a necessity.

Second, eight other tribes have also been ruled to be ineligible for the Federal acknowledgment process since 1980. The Catawba Tribe's situation was recently resolved through legislation, and that bill is expected to be signed into law in the near future. Ladies and gentlemen, the Lumbee is the last tribe to find itself in this predicament. Congress has dealt with the other ineligible tribes through legislation, and no other tribe has been asked to go through, back through the BIA process in order to be recognized. Congress has established a precedent, and it is only fair that it be applied equitably in this case as well.

Third, I am aware that some Members are frustrated with the Federal acknowledgment process and would like to see it changed. I certainly support the idea that the process needs to be reformed. But the Lumbee is the only remaining tribe with circumstances that set them apart from all others, and they should be dealt with first. This tribe has been studied by the Department of the Interior on three separate occasions, in 1912, 1915, and 1933, and it was concluded each time that the Lumbee were Indians with a separate and independent community. They do not need to be examined again by the BIA and the staff of the Bureau of Acknowledgment and Recognition. It is time for the Congress to right the injustice which it created in 1956.

Because of their status as a State recognized tribe, the tribe already receives some Federal services from the Office of Indian Education and the Administration for Native Americans. The Indian Health Service allows Lumbee to receive scholarships but will not give medical services to the members of the tribe. Clearly, one hand of the Federal Government recognizes the tribe as Indian people while the other hand does not. This tribe deserves the same rights and privileges that other native Americans have across the land. The current system of federally recognized tribes versus non-federally-recognized tribes creates unnecessary friction amongst these people. It makes the non-federally-recognized people feel like second-class citizens.

Finally, there are other Indian groups in my congressional district that are adversely affected by the Lumbee Recognition Act of 1956. The 1956 act gave the Lumbee name to all Indians in Robeson and adjoining counties. However, there are Indians in this area who identify themselves as a separate group other than Lumbee. This

bill would allow those groups to petition separately for recognition. Without this legislation, they are deemed ineligible for the same reason that the Lumbee are restricted.

Mr. Chairman, I urge the House to oppose the substitute which will be offered and pass the Lumbee Recognition Act so that the history books can be corrected and human dignity can be restored to these people and their culture.

Mr. RICHARDSON. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. MILLER], the chairman of the Committee on Natural Resources.

Mr. MILLER of California. Mr. Chairman, Members of the House, I rise in strong support of this legislation. Unfortunately we are once again considering this legislation, a bill that has been around this Congress, as many have said already, in one form or another for the last 100 years.

I want to thank the subcommittee of the Committee on Natural Resources, its chairman, the gentleman from New Mexico [Mr. RICHARDSON], and the gentleman from Wyoming [Mr. THOMAS], for their work on this legislation. While we do not have complete agreement among the members of the committee, I do think we have a bill that addresses a very important problem, a problem that, again, has been highlighted for this committee, and for the House, and for this country by the gentleman from North Carolina [Mr. ROSE], who is insistent upon our committee meeting its obligations and reporting out this legislation.

Mr. Chairman, we have had numerous hearings on this legislation, have taken testimony and evidence. Our good colleague, the gentleman from American Samoa [Mr. FALCOMAVEGA], has chaired these hearings, has listened to the witnesses, and I think we are in complete agreement that this bill gives us an opportunity to correct a very serious injustice in that nobody can deny that the Lumbee are Indians, and it is very clear that they do, in fact, deserve immediate recognition.

There are some who would like to believe that the Lumbee could go through the Federal administration recognition process, but at the same time all recognize that that process has broken down, it is not working, and in fact it may be more designed to prevent justified recognition than it is to help those tribes who can prove their case. I think it is clear that this bill provides the Lumbee what they should have, and that is government-to-government relations between the United States and the Lumbee, and the official recognition of the Indian heritage of the Lumbee people, and to forestall this legislation any longer would be to continue one of the longer running injustices in the long history of this Government's relationship with the Indian

nations, with the Indian nations of this country.

I would hope that my colleagues would support this legislation, that we would pass it again, as we have in the past, and that the Senate would address this problem immediately, and we would have an opportunity to right this wrong, and again I want to thank our colleague, the gentleman from North Carolina [Mr. ROSE], for his help in working this issue to get it to the floor and to get our attention, and my thanks again to the subcommittee, and I ask for support of this legislation.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. TAYLOR].

Mr. TAYLOR of North Carolina. Mr. Chairman, I first want to take this opportunity to commend my colleague from North Carolina, Congressman ROSE, for his effort on behalf of the Indians of Robeson County and in all of North Carolina. However, I rise today to oppose this bill.

I represent a district which encompasses the area of the eastern band of the Cherokee Indians. In the early history of our Nation, Congress and the administration often abused the American Indians of this Nation. In my district, Andrew Jackson tried to move the entire Cherokee Nation to Oklahoma. Many died while walking the Trail of Tears, which many people have heard about. They are remembered in a drama on the Cherokee reservation by those that stayed—that is, those that evaded capture by the soldiers—and those that returned back to western North Carolina.

As we have heard before, the bulk of Indian tribes were established by treaty, many of them following wars in this country. What does it mean to be a federally recognized tribe? It is a formal act that establishes a government-to-government relationship between the United States and the recognized tribe. It institutionalizes the tribe's quasi-sovereign status, giving it the power to tax and to establish a judiciary and it gives the tribe the right to treatment as a sovereign nation.

This relationship is unique in the world. Tribes view it as almost sacred. Many American Indians died for this right. It must be taken seriously and protected.

The history of Federal recognition of Indian tribes has been plagued with pitfalls and perceived as arbitrary and excessively political. In 1978, the Interior Department, after exhaustive consultations with Indians, established procedures to provide a uniform approach to the recognition process. Called the Federal Acknowledgment Process [FAP], the regulations set forth seven criteria a petitioning group must meet to be deemed a recognized tribe, including a historical, genealogical and cultural background.

What we would be doing today with this bill is to replace that orderly process and again return to a method where recognition is granted for arbitrary and political reasons. This would be done contrary to the wishes of the majority of the American Indians.

Let there be no mistake about this vote. This is a vote against the American Indians, not for them. The Cherokee Nation, the Eastern band of which are located in my district, strongly opposes this bill. The Hatteras Tuscarora, located among the Lumbees in Robeson County, have stated that they oppose this bill. Under H.R. 334, they will be subsumed, but they want to apply for tribal recognition through the FAP process. I have received letters that support the FAP process and a strict adherence to a systemic recognition process from various tribes in Arizona, California, Nevada, North Carolina, Oklahoma, Michigan, Washington, Oregon, Idaho, Montana, California, Minnesota, New Mexico.

What I am saying to you is that the American Indian has an established process for tribal recognition. They want to keep this orderly process, and not return to a political logrolling process.

Do the Lumbees deserve Federal recognition? I cannot answer that question and Congress should not determine it. If we do this, what do we do with the numerous other groups across this Nation who want to be recognized? Do we immediately put bills before this body to consider these groups?

And what about those groups who were turned down through the FAP process? Can we say that those who were turned down should not be allowed to come back through the legislative process, and, if they can, find a legislator here with enough power that they become federally recognized as a tribe of American Indians?

Let me emphasize that what the American Indians and certainly the Cherokee in my district have expressed eloquently to me is that they do not object and question this bill based on whether or not there will be a financial loss to one tribe versus another tribe. They are not considering this from a monetary standpoint. We appropriate precious little now to support the tribes of this country. The tribes that I have met with have expressed to me their concern that we will dilute a very sacred recognition process, and they consider it most serious. They feel it will return tribal recognition to a political process that will depend more on political power rather than true Indian heritage.

I urge my colleagues to do the right thing. Support the American Indians of this country and vote against this bill.

□ 1330

Mr. RICHARDSON. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I commend Chairman ROSE for bringing this important piece of legislation to the floor once again and Chairman RICHARDSON and the others who have worked so hard with Chairman ROSE to see that justice long denied is finally granted to the Lumbee Indians of North Carolina. Though most of those Indians live within the constituency of the gentleman from North Carolina [Mr. ROSE], a number of them live in my district, and I know them well. It has certainly been my pleasure to get to know the Lumbee Indians in my district and to learn of their long traditions and their proud and unique heritage.

Mr. Chairman, another thing that happens to have occurred in my district was the first English colony was established on the coast of North Carolina in my district. It disappeared from the face of the Earth, and is now known as the Lost Colony. An outstanding outdoor drama is presented each year on it. It is interesting to note that in the oral tradition of the Lumbee Indians, it is passed down through the years that it was the Lumbee Indians who befriended these English colonists. Who, when they fled the island off the coast of North Carolina, the Outer Banks, and went inland, they befriended them, took them under their wing and under their care, and ultimately absorbed them into their tribe.

Mr. Chairman, it is that kind of hospitality that one feels whenever they are with the Lumbee Indians, because they are a warm and hospitable people who do in fact deserve the recognition that this legislation would give.

They have maintained a strong oral tradition that carries back hundreds of years to their forbearers, that does reflect the kind of uniqueness as an Indian nation that should be required for recognition.

Mr. Chairman, I urge my colleagues to vote for this legislation and to reject weakening amendments, so that at long last the Lumbee Indians of North Carolina will receive the justice they so richly deserve.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I have colleagues on both sides of the aisle that stand up on every bill and try to cut \$1 million for this or \$1 million for that. This program, if enacted, would cost taxpayers \$100 million per year forever, just for the Lumbees.

Mr. Chairman, you talk about a budget buster, \$100 million per year, forever, just for this one tribe.

There is a normal process that one should go through to determine if they deserve that or not. This body should not be that place.

Those that are trying to prove that they are fiscally conservative need to

take a look at just the cost of this process and make sure that the process is done properly, instead of us getting involved.

The other native Americans that deserve it, yes, if they are deserving, then let them go through the normal process that it takes.

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

Mr. Chairman, as we conclude this debate, let me just first of all state that my good friend, the gentleman from California [Mr. CUNNINGHAM], is not correct. This does not cost the taxpayers \$100 million per year.

Let me be very precise. The Congressional Budget Office estimates that the Lumbee Tribe would cost the Government \$80 to \$100 million "only if the necessary funds are appropriated."

In other words, what we would have to have is line items specifically for the Lumbees in the pot of money that goes toward Indian tribes. I repeat, in the pot of money that goes to Indian tribes, there is no allocation for the Lumbees.

Let us say there is going to be a need for a special program relating to the needs of the Lumbee Tribe. There would have to be a line item. Because of the unique status the Lumbees will have, it is impossible to estimate the cost. The cost would be zero, zero, if the Appropriations Committee does not choose to provide funds to the Lumbees.

Mr. Chairman, the Lumbees choose this as a compromise. They did not want to take money from the family of tribes. They mainly want their heritage recognized.

This debate is not about money. There is no money in this bill. There has to be a specific line item.

Mr. FALCOMA. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from American Samoa.

Mr. FALCOMA. Mr. Chairman, I want to echo the sentiments expressed by the chairman of our subcommittee with reference to comments made earlier by our good friend, the gentleman from California [Mr. CUNNINGHAM], that at this point we are quantifying 40,000 Americans, of whom over 400 fought and died in our wars.

Mr. Chairman, we gave \$5 billion to Iraq. Nobody seems to be paying any attention to that amount of money. Here we are talking about \$100 million, if it ever comes to that amount, to Americans who fought and died for this country. Why are we putting money values on the lives of these people who have been asking for just recognition? And that is all this legislation provides.

Mr. Chairman, we are not talking about money. We are talking about giving these people what is rightfully theirs, full recognition. I think it is overdue.

Mr. RICHARDSON. Mr. Chairman, I yield 1 minute to my friend, the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I thank my good friend for yielding.

Mr. Chairman, my point is that, first of all, if the money is not there, then the other tribes will suffer. I think that is why some of the other tribes are maybe against this, if we do not get line items.

If this tribe wanted just recognition and would waive all the other rights, I would support it, just to recognize their heritage. But we are trying to eliminate welfare states. As a native American you qualify for special benefits. We are trying to do away with the welfare state in this country, instead of creating one.

Mr. Chairman, another thing, not in my district, but just outside, we have a real problem on the Barona Indian Reservation and some other reservations of gambling. We have 3,000 slot machines coming in. We have no idea concerning this. The sheriff cannot get involved with it. I just see the problem that could come out if we give full recognition and the rights that these tribes would have.

Mr. Chairman, if they want to have just recognition as a tribe and waive all the other rights, I will support the gentleman from New Mexico [Mr. RICHARDSON].

□ 1340

Mr. THOMAS of Wyoming. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Chairman, I hope we treat very carefully on this issue. It is not just a matter of recognition. It is a matter of funds being appropriated. It is also a matter of whether this tribe can have a gaming casino.

There is a process to be followed. It is a process that requires one to go before the Bureau of Indian Affairs. There are seven criteria.

That is an effort to protect legitimate tribes, and it is also a recognition that when we recognize a tribe, it is not just full recognition. It means they have a right to a reservation. It means they have a right to sovereignty, a nation within a nation.

We cannot do this lightly. We have got to recognize that we have to have some process. If we set the precedent that we are doing today, I fear that we have just basically taken away the argument that tribes should go before the Bureau of Indian Affairs. And if we take that away, then every decision will be a political decision.

It will be, does the gentleman from North Carolina [Mr. ROSE] have the votes to get it through, because he is a powerful Member of Congress, or does someone else have the power. It becomes a matter of individuals and not a question of whether the merit justifies it.

Mr. ROSE. Mr. Chairman, will the gentleman yield?

Mr. SHAYS. I yield to the gentleman from North Carolina.

Mr. ROSE. Mr. Chairman, the Lumbees do not want, and I will never agree to, a separate reservation. They have specifically said that there is no land for a reservation. They want to live in their community, abide by the laws of North Carolina, abide by the local authority. And the tribal council has signed a very broad agreement that they will never ask for gaming rights.

Mr. Chairman, I thank the gentleman for yielding to me.

Mr. SHAYS. Mr. Chairman, I thank the gentleman for making those comments.

The bottom line is that they have the legal right to, if they are given full recognition. And that is what troubles me.

We know, for instance, in the State of Connecticut, there is a tribe that we think has a net profit of \$400 million a year; \$400 million a year can get people to decide to change what they thought was what they wanted in the past.

I have tremendous concern about the precedent we are establishing here. There is a criteria. We have the Bureau of Indian Affairs, and we are just circumventing that process.

I fear the day that we vote this out and Members then have an argument that is, maybe we should go before the Bureau of Indian Affairs, and the argument is, but we did not do it for the Lumbees or we did not do it for this group.

This is a big mistake. I urge my colleagues to support the amendment that will be brought forward by the gentleman from Wyoming [Mr. THOMAS] that will say, go before the Bureau of Indian Affairs. If they succeed in meeting those seven criteria, then they will have my full support without question.

Mr. RICHARDSON. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. PRICE].

Mr. PRICE of North Carolina. Mr. Chairman, I rise today in support of H.R. 334, the Lumbee Indian Recognition Act. This legislation marks the culmination of more than 100 years of effort by the Lumbee Indians to receive Federal recognition.

In the first part of this century, Congress directed the Department of the Interior to investigate the history and status of the Lumbee Indian tribe. Although these studies, and two consequent studies conducted by the Department of the Interior, concluded that the Lumbees met the qualifications for identification as a native American Indian tribe, the department continually opposed congressional attempts to recognize the Lumbees because of the tribe's relatively large size and the possible cost of Federal recognition.

Finally, in 1956 Congress passed the Lumbee Act, which confirmed the

tribe's status as a legitimate Indian tribe. However, it did not provide Federal recognition. This was in keeping with the politics of the time, when the Federal Government severed relationships with native American Indian tribes which had been formally recognized.

In 1978, the Bureau of Indian Affairs [BIA] established a formal process by which a native American Indian tribe could petition for formal Federal recognition, and the Lumbee Indians submitted a petition to the BIA. In 1989, the associate solicitor of Indian Affairs for the Department of Interior ruled that the 1956 Lumbee Act precludes the tribe from proceeding through the administrative recognition process at BIA. As a result, the only recourse available to the Lumbee Indians is congressional action. Interior Secretary Babbitt supports this legislation and the Office of Management and Budget [OMB] has no objections to it.

Representative THOMAS has put forth a substitute measure which would amend the 1956 Lumbee Act to allow a Federal relationship with the Lumbee Indians and would provide expedited consideration for the Lumbee recognition petition before the BIA.

While I appreciate the intent of the substitute measure, I do not believe it is an effective way to deal with the Lumbee case. The Interior Department's 1989 ruling that administrative action by the BIA was not possible for the Lumbee has left congressional action the only recourse. Even if administrative action was a possibility, it is simply unrealistic to believe that a staff of 10 at the BIA could meet the deadlines for expedited review set forth by Representative THOMAS' amendment. The substitute measure also would be unfair to the other tribes which have submitted petitions to the BIA. Representative THOMAS' substitute would effectively put their applications on hold for 18 months while the full BIA staff was devoted to the Lumbee petition.

Mr. Chairman, the Lumbee Indians clearly meet the BIA criteria for Federal recognition. They have been working for such recognition since 1888, and it is simply unfair to ask these proud people to wait any longer. I urge my colleagues to support the Lumbee Indian Recognition Act and vote to defeat the substitute measure.

Mr. THOMAS of Wyoming. Mr. Chairman, I yield myself the balance of my time.

Let me just comment on the remarks of the gentleman from North Carolina who indicated there is no alternative. There is an alternative, of course. They would be put at the first of the line. And to indicate that that would be unfair, it seems to me, is a little bit of a paradox when you are bringing them up over the others. If there is anything that is unfair, this is unfair.

In closing, Mr. Chairman, this House must decide if it will continue to support the utilization of an equitable and standardized method of determining which Indian groups should be recognized by the Federal Government, or if it will return us to the pre-1978 days of piecemeal and arbitrary recognition through individual bills such as H.R. 334. While it is clearly within our power to recognize Indian tribes, we have tried our hand at it before. Because we did it so badly and so politically, however, leaders from both parties on this committee and from throughout Indian country insisted on a better way—the administrative FAP process of the BIA. Passage of H.R. 334 in its present form is contrary to the recommendations of the American Indian Policy Review Commission, opposed by the Department of the Interior, opposed by the overwhelming majority of tribes, and contrary to logic. It can only serve to undermine further an already beleaguered recognition process, to encourage other groups to circumvent that process, and to place recognition in an arena where emotional arguments, influential sponsors, and the partisan nature of Congress replace merit and fact. For these reasons, I join the Department of the Interior and the overwhelming majority of Indian tribes in strongly opposing H.R. 334.

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

Mr. RICHARDSON. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, let me just make the following points:

First, the administration, the Office of Management and Budget, has no objection to this bill. They support this bill.

Second, this is a bill that is identical to one that we passed in the last session of Congress.

Third, we intend to fix the Federal acknowledgement process. We are going to do that. There are some 135 tribes that have gone through the acknowledgement process. And because of bureaucracy and redtape and inefficiency, the BIA has not moved. And this is why we have this movement to do some of these acknowledgement bills through the Congress.

The new Assistant Secretary of BIA, Ada Deer, has said there are two ways one can get recognized: through the Federal acknowledgement process, which she acknowledges is flawed and needs to be revised, and through acts of Congress.

We have done acts of Congress before, extending recognition. The gentleman is correct. We need to revive and better the processes that exist.

What we need to do, though, because of the special status, because for 100 years we have asked the Lumbees to wait, when they are native Americans, we should pass this bill.

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

The CHAIRMAN. Pursuant to the rule, the bill shall be considered under the 5-minute rule by sections, and each section shall be considered as read.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lumbee Recognition Act".

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. THOMAS OF WYOMING

Mr. THOMAS of Wyoming. Mr. Chairman, I offer an amendment in the nature of a substitute.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. THOMAS of Wyoming: Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. AUTHORITY TO PETITION FOR FEDERAL RECOGNITION.

(a) CONSIDERATION OF LUMBEE PETITION.—The Act of June 7, 1956 (70 Stat. 254), shall not be construed to constitute a bar to the consideration by the Secretary of the Interior of a petition of a group or organization representing the Lumbee Indians of Robeson and adjoining counties of North Carolina.

(b) CONSIDERATION OF OTHER PETITIONS.—The Act of June 7, 1956, shall not be construed to constitute a bar to the consideration by the Secretary of a petition of a group or organization representing any Indians in Robeson or any other county of North Carolina other than the Lumbee Indians.

(c) RECOGNIZED GROUPS.—The Act of June 7, 1956, shall not be construed to operate to deny any group or organization whose petition is approved by the Secretary on or after the date of the enactment of this Act any of the special programs or services provided by the United States to Indian tribes and their members because of their status as Indians.

SEC. 2. CONSIDERATION OF PETITION REQUIRING RECOGNITION AS AN INDIAN TRIBE.

(a) PROPOSED FINDING.—The Assistant Secretary of the Interior for Indian Affairs shall publish a proposed finding with respect to the petition for Federal recognition as an Indian tribe by the Secretary of the Interior pursuant to part 83 of title 25, Code of Federal Regulations, submitted by the Lumbee Regional Development Association on December 17, 1987, and subsequently supplemented, not later than 18 months after the date on which the petitioner has fully responded to the notice of obvious deficiencies regarding that petition.

(b) NUMBER OF MEMBERS NOT A FACTOR.—The number of persons listed on the membership roll contained in the petition referred to in subsection (a) shall not be taken into account in considering such petition except that the Assistant Secretary may review the eligibility of individual members or groups listed in such petition in accordance with the provisions of part 83 of title 25, Code of Federal Regulations.

(c) REVIEW.—(1) If the Assistant Secretary fails to publish the proposed finding referred to in subsection (a) within the 18-month period referred to in such subsection, the petitioner may treat such failure as final agency action refusing to recognize the petitioner as an Indian tribe and seek in federal district court a determination of whether the petitioner should be recognized as an Indian

tribe in accordance with the criteria specified in section 83.7 of title 25, Code of Federal Regulations.

(2) If the Assistant Secretary publishes a final decision refusing to recognize the Indians seeking recognition under the petition referred to in subsection (a), the petitioner may, not later than one year after the date on which the final decision is published, seek in Federal district court a review of the decision, notwithstanding the availability of other administrative remedies.

SEC. 3. CRIMINAL AND CIVIL JURISDICTION.

(a) STATE.—In the event that an Indian tribe is recognized pursuant to the petition referred to in section 2(a), the State of North Carolina shall exercise jurisdiction over all criminal offenses that are committed and all civil causes of action that arise, on lands located within the State that are owned by, or held in trust by the United States for, such tribe or any member of such tribe, or on lands within any dependent community of such tribe, to the same extent that the State has jurisdiction over any such offense committed elsewhere in the State or over other civil causes of action.

(b) TRANSFER TO THE UNITED STATES.—The Secretary may accept on behalf of the United States, after consultation with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State described in subsection (a).

SEC. 4. NO DELAY FOR PETITIONS AWAITING ACTIVE CONSIDERATION.

It is the sense of the Congress that the review of the petition referred to in section 2(a) should not unnecessarily delay the review of the pending full documented petitions for recognition as an Indian tribe awaiting active consideration as of the date of enactment of this Act.

Mr. THOMAS of Wyoming (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Wyoming?

There was no objection.

□ 1350

Mr. THOMAS of Wyoming. Mr. Chairman, let me briefly outline the purpose of this amendment. It addresses each of the Lumbee concerns, short of recognition. It would remove the 1966 Lumbee Act statutory bar to the FAP process. In addition, it would directly remedy the most often-cited flaw of the FAP process, the time it takes to review a group's petition, by guaranteeing that the Lumbee petition will receive expedited consideration, and provide the Federal court review of untimely and adverse determinations by the BIA without requiring resort to the administrative appeals process, which any other group would have to exhaust prior to taking the matter to the Federal court.

I note that, again, prior to yesterday, the Department of Interior, which opposes the bill, had opposed the bill, supports this alternative.

Unfortunately, it appears the Lumbee and the bill's proponents want

to have their cake and eat it, too. Rather than constructively addressing the issue, they prefer the bar to remain in place as justification for legislative recognition. This is highly troublesome for several reasons.

Principally, the same amendment was offered in the 101st Congress and was supported by then-Chairman Udall and a 3-to-1 majority of the committee members, both Democrats and Republicans. The full committee later voted to accept the substitute 25 to 8. However, in the last Congress the same amendment, when offered by a Republican, was defeated on a partisan vote of 26 to 18, even though none of the underlying facts had changed.

Another reason I find the offhand rejection of this substitute troubling is the effect it has on the Lumbee. The committee's hearing records describe in detail the numerous unsuccessful attempts the Lumbee have made since 1988, not 1888, to persuade either the executive branch or the Congress to extend Federal recognition to the group. In its present form, H.R. 3334 is, as was its immediate predecessor, unacceptable to the other body.

Given the ultimate legislative death we all know awaits the bill, it is highly regrettable that the bill's proponents are willing to stubbornly stick to their guns and let another Congress, another 2 years, elapse without passage of a bill; that, rather than join in a reasonable and workable compromise solution. It is especially ironic in light of the fact that the opponents of this amendment consistently urge its defeat on the grounds that it would delay a long-overdue recognition of the tribe.

Nothing will do more to assure that delay, however, than the passage of H.R. 334 in its present form. If the House had accepted this substitute 4 years ago, or even in the last Congress, the Lumbee would have been through the process already.

Mr. Chairman, this amendment provides a certainty for the Lumbee people. This bill provides, on the other hand, nothing but false hope, nothing but more delay. It also opens the door to a flood of legislative recognition requests, a path down which we should be very wary of treading.

Mr. Chairman, I urge adoption of the amendment in the nature of a substitute.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wyoming [Mr. THOMAS].

Mr. Chairman, let me just say that the gentleman from Wyoming has been extremely constructive throughout the entire proceedings of this Subcommittee on Native American Affairs of the Committee on Natural Resources, but this amendment would basically kill the bill. This amendment would allow the Lumbee tribe to go through the Federal acknowledgement process,

which has been the problem; again, I repeat, over 150 applications, only 8 to 12 have been acted on; over 100 assays into red tape and bureaucracy and the maze of red tape known as the Bureau of Indian Affairs, without any action.

There are native Americans, Americans they went to war, sitting out there waiting for the bureaucracy to acknowledge that they are Indian tribes. The tribe does not want to go through this ordeal. The tribe deserves immediate recognition. They tried to go through the process in 1987. They supplied volumes of data supporting their claim, and they were declared ineligible to go through the process. This is a process that is fatally flawed. The gentleman from American Samoa [Mr. FALOMAVAEGA] and the former Representative from Arizona, Mr. Rhodes, are trying to change the acknowledgement process. There are bills that we are going to take up to do this.

The new Assistant Secretary for Indian Affairs, Ada Deer, has said that the administration has a strong desire to fix the process. The Committee on Natural Resources, headed by the gentleman from California [Mr. MILLER], as well as our minority Members, recognize we have to improve the acknowledgement process.

The department is now recognizing that there are two ways to recognize a tribe. First, we do it through the Congress. Second is through the Federal acknowledgement process. Most tribes, a majority of tribes, have gone this route through congressional recognition.

The clearest statement that we are doing the right thing is the statement of administrative policy which says that the administration has no objection to this legislation. Today we can decide whether or not the Lumbees will get recognized during this Congress, or they will then, again, languish for another year, as they have for the last 100 years.

Mr. Speaker, we are the Subcommittee on Native American Affairs of the Committee on Natural Resources, the Indian subcommittee. This is an Indian tribe. They deserve this immediate recognition. There is no cost to this legislation. If they are going to get any funds, they have to get a line item appropriation.

Mr. Speaker, we promised to fix this process, but let us not delay the Lumbees from getting the due recognition as a Indian tribe that they deserve. Regrettably, the amendment of the gentleman from Wyoming [Mr. THOMAS] does not achieve that goal. In fact, it kills the bill.

Mr. ROSE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will be brief.

Mr. Chairman, the sponsors of this substitute say that the Lumbee should have to go through the BIA's acknowledgement process like other tribes seek-

ing recognition. Well, let me assure my colleagues that the Lumbee have already tried to comply with this request.

In fact, the Lumbee spent 7 long years putting together a petition for the BIA, and submitted it to the Department in 1987. Two years later, they got a letter from the Associate Solicitor at Interior informing them that they had been ruled ineligible to participate in the Federal acknowledgement process. You know why? Because of a bill Congress had passed in 1956 which in effect said: "You are indeed native Americans but we don't want to treat you like native Americans." For anyone familiar with Government policy toward native Americans during the 1950's, this is no surprise. This was the period known as the "termination period" when the Federal Government was trying to distance itself from commitments made to native Americans.

Supporters of the substitute have also suggested that acknowledging the Lumbee legislatively would open the floodgates for other groups seeking recognition. Members of the House, the only new precedent which would be established here is a failure to recognize this tribe legislatively. The Lumbee are not the first tribe who have found themselves in this predicament over the years, but they are the last. Since 1980, eight tribes have been declared ineligible for the process because of prior legislation passed by Congress. In every case, Congress has resolved the matter with legislation. In fact, the Lumbee are the only tribe remaining which fall into this category.

Righting this injustice for the Lumbee does not set any new precedent. It is totally consistent with past congressional action, and to suggest otherwise is to withhold the fairness for the Lumbee which my colleagues seem to suggest is reserved for other tribes.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, if the gentleman from New Mexico [Mr. RICHARDSON] would enter into a colloquy with me, I have a question for my friend.

To my knowledge, the members of this tribe are American citizens; is that correct?

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from New Mexico.

Mr. RICHARDSON. That is correct.

Mr. CUNNINGHAM. Another gentleman mentioned that they have gone and fought in wars. They fought as American citizens when they went to war; is that correct?

Mr. RICHARDSON. If the gentleman will continue to yield, that is correct.

Mr. CUNNINGHAM. And they receive funds and benefits as American citizens, as any citizen would; is that correct?

Mr. RICHARDSON. That is correct.

Mr. CUNNINGHAM. Mr. Chairman, my point is that when we have a welfare state as expansive as it is, if this tribe wants recognition for their heritage, I will be more than happy to support the gentleman. My concern, and I do believe that there will be funds that we will have to come up with. If there are not line items in there, the gentleman knows how this Congress works. It will add funds, because there will not be enough for all the other native Americans.

I would say to the gentleman that these are American citizens. They went to war as American citizens. They have the rights and benefits as any American citizens, Irish, Indian, or whatever nationality or ethnic group.

Mr. RICHARDSON. If the gentleman will continue to yield, I want my friend to read section 3 of the bill. What that subsection does is conditions the eligibility of the Lumbee for any kind of services for tribal members, any kind of funds are conditioned specifically on an appropriation. In other words, they cannot go after the pot that exists for other native American tribes that the gentleman knows has been cut. The gentleman knows there is a special relationship between the Federal Government and the tribes based on treaty and sovereignty.

I would disagree with my friend, who has characterized the tribes as welfare states. I do not think that is the case. I know that is not the case. Perhaps the gentleman did not fully intend that.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, and I thank the gentleman for the clarification, however, I do know there would be special rights and services as a native American offered. That would be my concern in this thing.

No, I would say to the gentleman, I do not apply the term "welfare state" to all Indian tribes. However, this would cost additional money. The gentleman and I both know how this body operates when it comes to spending. When there needs to be more money appropriated for these types of special services, it will come, and it will come out of taxpayers' money. I would be willing to bet large sums of money that that would happen.

Mr. WILLIAMS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the subcommittee with jurisdiction now over these matters, and as one who has been involved in supporting the request of the Lumbee people here in the Congress, I want to be certain that my colleagues understand the process.

□ 1400

Terminated tribes, of which the Lumbee are one, have to come to Congress to get recognition. They cannot

go through the regular process. Not just the Lumbees cannot go through it, no tribe that has been terminated can go through the regular process. They have to do it the way we are doing it today.

What the gentleman's amendment would say is let us create a separate process for the Lumbee, even though they are a terminated tribe. Let us grant them under this act the right to go downtown and go through the normal process. That is different. What the gentleman's amendment would do is put the Lumbee again on a different track than other tribes have been required to entertain.

Having said that, let me just make a general statement. My colleagues notice of course that there are a lot of Members rising suddenly on an issue of native Americans, more than we have seen in a good many years. I have deep respect for all of my colleagues. I like this place. But the hard fact is that Americans, native Americans get scant attention until the time comes when money is involved, or out West at least water is involved. At that point the Congress begins to pay attention to the American Indian, because the American Indian once again becomes a threat.

How is money involved? Not necessarily because the Lumbees are asking for an appropriation here. In fact they are not. A lot of my colleagues are suddenly interested in native Americans because gambling on reservations has become an issue in their districts.

Now we welcome you all. We are glad that the House has suddenly and once again become aware that there are Indian people in America. I just encourage Members to all be aware of it all of the time, not just when Indians become a threat because of money or because they are making legitimate water claims.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I had hoped to have a chance to visit with my friend from Montana. The fact is this tribe has never been terminated because they have never been recognized, so that is not an accurate observation.

Mr. TAYLOR of North Carolina. The gentleman has spoken eloquently on the fact that we overlook the native Americans, American Indians. Let me just tell the gentleman that I am here speaking for the Eastern Band of the Cherokees. The chief was in my office this morning. The tribal council has met. They are very much opposed to this legislation. They are a recognized Indian tribe.

As I mentioned earlier, there are numerous tribes that oppose this legisla-

tion. These are native Americans, these are organized tribes.

The great list that is waiting to come in through the legislative process because they either will not come before the Federal process, or they cannot be approved that way, are not necessarily, and I say that restriction, they are not necessarily native Americans. They may be or they may not be. We do not know. Many people who will be making applications will be people who will not be able to show in any way that they are native Americans.

Now I think the Lumbees have a good, strong case. That is why I support the gentleman's amendment. This removes any of the impediments that the Lumbees have for applying through the Federal process, and I think that is what we need to do.

The gentleman from New Mexico I am sure is earnest in his desire to see that fair treatment is given to native Americans. But what criteria does the gentleman from New Mexico use for determining a tribe?

Mr. RICHARDSON. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I am glad to yield to the gentleman from New Mexico.

Mr. RICHARDSON. Mr. Chairman, first of all, historical documents, archaeological documents, words from noted scholars that the subcommittee has amassed, that the Bureau of Indian Affairs has amassed.

The gentleman stated something that I want to correct. In 1956 the tribe was recognized and derecognized in one act, was recognized and derecognized by the Interior Department in one act, so it has been recognized. It so happened that it was terminated in the same initiative, a very flawed process.

Mr. TAYLOR of North Carolina. Reclaiming my time, I would say that what Congress was doing in the 1950's does not come close to the process that we have today, a process which was created so that we could give fair, equitable treatment, stating the geological, historical, all of the records the gentleman mentioned. If the Lumbees have those records and can make that case, they can come through the proper process, especially if this amendment passes.

If we do not pass this amendment, if we do as we have done in many Congresses, we send this over to the Senate, and the Senate kills it, as it likely will, then 2 years from now they will be sitting here again making this case and not getting proper recognition for the Lumbees.

Mr. THOMAS of Wyoming. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from Wyoming.

Mr. THOMAS of Wyoming. Mr. Chairman, just one point. If the gentleman is correct, then this bill is wrong, because we would not be recognizing

them then, we would be restoring, and that would be the legal term. So I question the historic benefit.

Mr. DE LUGO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to join my colleagues, the gentleman from North Carolina, in enthusiastic support for H.R. 334, the Lumbee Recognition Act of 1993.

Our colleague, Mr. ROSE, has worked tirelessly on this legislation for several years now and I pleased once again to join with him as one of the cosponsors of the bill.

As my colleagues well know, the Lumbee Indians have been recognized by the State of North Carolina since 1885, and have been seeking Federal recognition ever since then. The Department of the Interior has continuously opposed legislative efforts to recognize the Lumbee Tribe, either because recognition conflicted with prevailing Federal policies toward Indians or because of concern that providing services to the Lumbees would be too costly.

Because the Lumbee Tribe does not have Federal recognition, they receive some Federal services but they are ineligible for services provided to Indian Tribes by the Bureau of Indian Affairs and the Indian Health Service.

Mr. Chairman, it is time that we right this wrong that has been inflicted upon the Lumbee Tribe for over 100 years. I urge my colleagues to resist any amendments to the bill and pass it as it is presented today.

In conclusion, I want to take a moment to commend my colleague on the Natural Resources Committee, the chairman of the Subcommittee on Native American Affairs, BILL RICHARDSON, for his strong leadership on this issue and for bringing this bill to the floor today. I want to also thank the chairman of the full Natural Resources Committee, the gentleman from California [Mr. MILLER], for his support and leadership on this issue as well. And I urge my colleagues to vote "yes" on H.R. 334.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Wyoming [Mr. THOMAS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. THOMAS of Wyoming. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 178, noes 238, not voting 22, as follows:

[Roll No. 537]

AYES—178

Allard	Bachus (AL)	Ballenger
Archer	Baker (CA)	Barrett (NE)
Armey	Baker (LA)	Bartlett

Barton	Hall (TX)
Bentley	Hancock
Bereuter	Hansen
Billfrakis	Hastert
Billie	Hefley
Blute	Herger
Boehlert	Hobson
Boehner	Hoekstra
Bonilla	Hoke
Brewster	Horn
Bunning	Houghton
Burton	Huffington
Buyer	Hunter
Callahan	Hutchinson
Calvert	Hyde
Camp	Inhofe
Canady	Inslee
Castle	Istook
Collins (GA)	Johnson (CT)
Combest	Johnson (SD)
Crane	Johnson, Sam
Crapo	Kennelly
Cunningham	Kim
DeLauro	King
DeLay	Kingston
Diaz-Balart	Klug
Dickey	Knollenberg
Dingell	Kolbe
Doolittle	Kyl
Dreier	LaFalce
Duncan	Lazio
Dunn	Leach
Edwards (CA)	Lehman
Emerson	Levy
English (OK)	Lewis (CA)
Everett	Lewis (FL)
Ewing	Lightfoot
Fawell	Linder
Fields (TX)	Livingston
Fish	Machtley
Fowler	Manzullo
Franks (CT)	McCandless
Franks (NJ)	McCollum
Galleghy	McCrery
Gallo	McCurdy
Gekas	McDade
Gilchrest	McHugh
Gillmor	McInnis
Gilman	McKeon
Gingrich	Menendez
Goodlatte	Meyers
Goodling	Mica
Goss	Michel
Grams	Miller (FL)
Grandy	Molinari
Greenwood	Moorhead
Gunderson	Morella

NOES—238

Abercrombie	Coleman
Ackerman	Collins (IL)
Andrews (ME)	Collins (MI)
Andrews (NJ)	Condit
Andrews (TX)	Cooper
Applegate	Coppersmith
Bacchus (FL)	Costello
Baesler	Coyne
Barca	Cramer
Barcia	Danner
Barlow	Darden
Barrett (WI)	de la Garza
Becerra	de Lugo (VI)
Bellenson	Deal
Bevill	DeFazio
Bilbray	Dellums
Bishop	Derrick
Blackwell	Deutsch
Bonior	Dicks
Borski	Dixon
Boucher	Dooley
Brooks	Durbin
Browder	Edwards (TX)
Brown (CA)	Engel
Brown (FL)	English (AZ)
Brown (OH)	Eshoo
Bryant	Evans
Byrne	Faleomavaega
Cantwell	(AS)
Carr	Farr
Chapman	Fazio
Clay	Fields (LA)
Clayton	Filner
Clement	Fingerhut
Clyburn	Flake
Coble	Foglietta

Myers	Klecza
Nussle	Klein
Orton	Klink
Oxley	Kopetski
Packard	Kreidler
Paxon	Lambert
Petri	Lancaster
Pombo	Lantos
Pomeroy	LaRocco
Porter	Laughlin
Portman	Levin
Pryce (OH)	Lewis (GA)
Quinn	Lipinski
Ramstad	Lloyd
Regula	Long
Ridge	Lowey
Roberts	Maloney
Rogers	Mann
Rohrabacher	Manton
Ros-Lehtinen	Margolies-
Roth	Mezvisinsky
Roukema	Markey
Santorum	Martinez
Saxton	Matsui
Schaefer	Mazzoli
Schiff	McCloskey
Sensenbrenner	McDermott
Shaw	McHale
Shays	McKinney
Shuster	McMillan
Skeen	Meehan
Smith (MI)	Meek
Smith (NJ)	Mfume
Smith (TX)	Miller (CA)
Solomon	Mineta
Spence	Minge
Stearns	Mink
Stump	Moakley
Sundquist	Mollohan
Swift	Montgomery
Synar	Moran
Talent	Murphy
Taylor (NC)	Murtha
Thomas (CA)	Nadler
Thomas (WY)	
Torkildsen	
Torrice	
Upton	
Walker	
Walsh	
Weldon	
Wolf	
Young (FL)	
Zeliff	
Zimmer	

Ford (MI)	Bateman
Ford (TN)	Berman
Frank (MA)	Cardin
Frost	Clinger
Furse	Conyers
Gedjenson	Cox
Gephardt	Dornan
Geren	Green
Gibbons	
Glickman	
Gonzalez	
Gordon	
Gutierrez	
Hall (OH)	
Hamburg	
Hamilton	
Harman	
Hastings	
Hayes	
Hefner	
Hilliard	
Hinche	
Hoagland	
Hochbrueckner	
Holden	
Hoyer	
Hughes	
Hutto	
Jacobs	
Jefferson	
Johnson (GA)	
Johnson, E. B.	
Kanjorski	
Kaptur	
Kennedy	
Kildee	

Natcher	Shepherd
Neal (MA)	Sisisky
Neal (NC)	Skaggs
Norton (DC)	Skelton
Oberstar	Slattery
Obey	Slaughter
Oliver	Smith (IA)
Ortiz	Snowe
Owens	Spratt
Pallone	Stark
Parker	Stenholm
Pastor	Stokes
Payne (NJ)	Strickland
Payne (VA)	Studds
Pelosi	Stupak
Peterson (FL)	Swett
Peterson (MN)	Tanner
Pickett	Tejeda
Pickle	Thompson
Poshard	Thornton
Price (NC)	Thurman
Quillen	Torres
Rahall	Trafilant
Ravenel	Tucker
Reed	Underwood (GU)
Reynolds	Unsoeld
Richardson	Valentine
Roemer	Velazquez
Rose	Vento
Rostenkowski	Visclosky
Rowland	Volkmer
Roybal-Allard	Washington
Rush	Waters
Sabo	Watt
Sanders	Waxman
Sangmeister	Wheat
Sarpaluis	Whitten
Sawyer	Williams
Schenk	Wilson
Schroeder	Wise
Schumer	Woolsey
Scott	Wyden
Serrano	Wynn
Sharp	Yates

NOT VOTING—22

Inglis	Royce
Johnston	Smith (OR)
Kasich	Tauzin
McNulty	Taylor (MS)
Penny	Towns
Rangel	Vucanovich
Romero-Barcelo	Young (AK)
(PR)	

□ 1420

The Clerk announced the following pair:

On this vote:

Mr. Smith of Oregon for, with Mr. Rangel against.

Mrs. UNSOELD, Ms. SHEPHERD, Mr. KENNEDY, and Mr. OBEY changed their vote from "aye" to "no."

Mr. BLUTE, Mr. ENGLISH of Oklahoma, and Mrs. ROUKEMA changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

□ 1430

The CHAIRMAN. The Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. PREAMBLE.

The preamble to the Act of June 7, 1956 (70 Stat. 254), is amended—

(1) by striking out "and" at the end of each of the first three clauses;

(2) by striking out "Now therefore," at the end of the last clause and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new clauses:

"Whereas the Lumbee Indians of Robeson and adjoining counties in North Carolina are

descendants of coastal North Carolina Indian tribes, principally Cheraw, and have remained a distinct Indian community since the time of contact with white settlers;

"Whereas the Lumbee Indians have been recognized by the State of North Carolina as an Indian tribe since 1885;

"Whereas the Lumbee Indians have sought Federal recognition as an Indian tribe since 1888; and

"Whereas the Lumbee Indians are entitled to Federal recognition of their status as an Indian tribe and the benefits, privileges, and immunities that accompany such status: Now, therefore,"

The CHAIRMAN. Are there amendments to section 2?

The Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. FEDERAL RECOGNITION.

The Act of June 7, 1956 (70 Stat. 254), is amended—

(1) by striking out the last sentence of the first section; and

(2) by striking out section 2 and inserting in lieu thereof the following:

"FEDERAL RECOGNITION; ACKNOWLEDGMENT

"SEC. 2. (a) Federal recognition is hereby extended to the Lumbee Tribe of Cheraw Indians of North Carolina. All laws and regulations of the United States of general application to Indians and Indian tribes shall apply to the Lumbee Tribe of Cheraw Indians of North Carolina and its members.

"(b) Notwithstanding the first section of this Act, any group of Indians in Robeson or adjoining counties whose members are not enrolled in the Lumbee Tribe of Cheraw Indians of North Carolina, as determined under section 4(b), may petition under part 83 of title 25 of the Code of Federal Regulations for acknowledgment of tribal existence.

"SERVICES

"SEC. 3. (a) The Lumbee Tribe of Cheraw Indians of North Carolina and its members shall be eligible for all services and benefits provided to Indians because of their status as federally recognized Indians, except that members of the tribe shall not be entitled to such services until the appropriation of funds for these purposes. For the purposes of the delivery of such services, those members of the tribe residing in Robeson and adjoining counties, North Carolina, shall be deemed to be resident on or near an Indian reservation.

"(b) Upon verification of a tribal roll under section 4 by the Secretary of the Interior, the Secretary of the Interior and the Secretary of Health and Human Services shall develop, in consultation with the Lumbee Tribe of Cheraw Indians of North Carolina, a determination of needs and a budget required to provide services to which the members of the tribe are eligible. The Secretary of the Interior and the Secretary of Health and Human Services shall each submit a written statement of such needs and budget with the first budget request submitted to the Congress after the fiscal year in which the tribal roll is verified.

"(c)(1) The Lumbee Tribe of Cheraw Indians of North Carolina is authorized to plan, conduct, consolidate, and administer programs, services, and functions authorized under the Act of April 16, 1934 (48 Stat. 596; 25 U.S.C. 452, et seq.), and the Act of November 2, 1921 (42 Stat. 208; 25 U.S.C. 13), popularly known as the Snyder Act, pursuant to an annual written funding agreement among the Lumbee Tribe of Cheraw Indians of North Carolina, the Secretary of the Inte-

rior, and the Secretary of Health and Human Services, which shall specify—

"(A) the services to be provided, the functions to be performed, and the procedures to be used to reallocate funds or modify budget allocations, within any fiscal year; and

"(B) the responsibility of the Secretary of the Interior for, and the procedure to be used in, auditing the expenditures of the tribe.

"(2) The authority provided under this subsection shall be in lieu of the authority provided under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450, et seq.).

"(3) Nothing in this subsection shall be construed as affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from lawsuit enjoyed by the Lumbee Tribe of Cheraw Indians of North Carolina or authorizing or requiring the termination of any trust responsibility of the United States with respect to the tribe.

"CONSTITUTION AND MEMBERSHIP

"SEC. 4. (a) The Lumbee Tribe of Cheraw Indians of North Carolina shall organize for its common welfare and adopt a constitution and bylaws. Any constitution, bylaws, or amendments to the constitution or bylaws that are adopted by the tribe must be consistent with the terms of this Act and shall take effect only after such documents are filed with the Secretary of the Interior. The Secretary shall assist the tribe in the drafting of a constitution and bylaws, the conduct of an election with respect to such constitution, and the reorganization of the government of the tribe under any such constitution and bylaws.

"(b)(1) Until the Lumbee Tribe of Cheraw Indians of North Carolina adopts a constitution and except as provided in paragraph (2), the membership of the tribe shall, subject to review by the Secretary, consist of every individual who is named in the tribal membership roll that is in effect on the date of enactment of this Act.

"(2)(A) Before adopting a constitution, the roll of the tribe shall be open for a 180-day period to allow the enrollment of any individual previously enrolled in another Indian group or tribe in Robeson or adjoining counties, North Carolina, who demonstrates that—

"(i) the individual is eligible for enrollment in the Lumbee Tribe of Cheraw Indians; and

"(ii) the individual has abandoned membership in any other Indian group or tribe.

"(B) The Lumbee Tribe of Cheraw Indians of North Carolina shall advertise in newspapers of general distribution in Robeson and adjoining counties, North Carolina, the opening of the tribal roll for the purposes of subparagraph (A). The advertisement shall specify the enrollment criteria and the deadline for enrollment.

"(3) The review of the tribal roll of the Lumbee Tribe of Cheraw Indians of North Carolina shall be limited to verification of compliance with the membership criteria of the tribe as stated in the Lumbee Petition for Federal Acknowledgment filed with the Secretary by the tribe on December 17, 1987. The Secretary shall complete his review and verification of the tribal roll within the 12-month period beginning on the date on which the tribal roll is closed under paragraph (2).

"JURISDICTION

"SEC. 5. (a)(1) The State of North Carolina shall exercise jurisdiction over—

"(A) all criminal offenses that are committed on, and

"(B) all civil actions that arise on, lands located within the State of North Carolina

that are owned by, or held in trust by the United States for, the Lumbee Tribe of Cheraw Indians of North Carolina, any member of the Lumbee Tribe of Cheraw Indians of North Carolina, or any dependent Indian community of the Lumbee Tribe of Cheraw Indians of North Carolina.

"(2) The Secretary of the Interior is authorized to accept on behalf of the United States, after consulting with the Attorney General of the United States, any transfer by the State of North Carolina to the United States of any portion of the jurisdiction of the State of North Carolina described in paragraph (1) pursuant to an agreement between the Lumbee Tribe of Cheraw Indians and the State of North Carolina. Such transfer of jurisdiction may not take effect until two years after the effective date of such agreement.

"(3) The provisions of this subsection shall not affect the application of section 109 of the Indian Child Welfare Act of 1978 (25 U.S.C. 1919).

"(b) Section 5 of the Act of June 18, 1934 (Chapter 576; 25 U.S.C. 465), and the Act of April 11, 1970 (84 Stat. 120; 25 U.S.C. 488 et seq.), shall apply to the Lumbee Tribe of Cheraw Indians of North Carolina with respect to lands within the exterior boundaries of Robeson and adjoining counties, North Carolina.

"AUTHORIZATION OF APPROPRIATIONS

"SEC. 6. (a) There are authorized to be appropriated such funds as may be necessary to carry out this Act.

"(b) In the first fiscal year in which funds are appropriated under this Act, the tribe's proposals for expenditures of such funds shall be submitted to the Select Committees on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives 60 calendar days prior to any expenditure of such funds by the tribe."

The CHAIRMAN. Are there further amendments to the bill?

Under the rule, the Committee rises. Accordingly the Committee rose; and the Speaker pro tempore [Mr. DURBIN] having assumed the chair, Mr. PETERSON of Florida, 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. 334) to provide for the recognition of the Lumbee Tribe of Cheraw Indians of North Carolina, and for other purposes, pursuant to House Resolution 286, he reported the bill back to the House.

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

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 yeas appeared to have it.

RECORDED VOTE

Mr. RICHARDSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 184, not voting 21, as follows:

[Roll No. 538]

AYES—228

Abercrombie
Ackerman
Andrews (ME)
Andrews (NJ)
Andrews (TX)
Applegate
Bacchus (FL)
Baesler
Barca
Barcia
Barlow
Barrett (WI)
Becerra
Bellenson
Bevill
Bilbray
Bishop
Blackwell
Blute
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Byrne
Cantwell
Carr
Chapman
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Collins (MI)
Cooper
Coppersmith
Costello
Coyne
Cramer
Danner
Darden
de la Garza
Deal
DeFazio
Dellums
Derrick
Deutsch
Dicks
Dixon
Dooley
Durbin
Edwards (CA)
Edwards (TX)
Engel
English (AZ)
Eshoo
Evans
Farr
Fazio
Fields (LA)
Filner
Fingerhut
Flake
Foglietta
Ford (MI)
Ford (TN)
Frank (MA)
Frost
Furse
Gejdenson
Gephardt

Geren
Gibbons
Gilman
Glickman
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamburg
Hamilton
Harman
Hastings
Hefner
Hilliard
Hinchey
Hochbrueckner
Holden
Horn
Hoyer
Jacobs
Jefferson
Johnson (GA)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kleczka
Klein
Klink
Kopetski
Lambert
Lancaster
Lantos
LaRocco
Leach
Lehman
Levin
Lewis (GA)
Lipinski
Lloyd
Long
Lowe
Maloney
Mann
Manton
Margolies-
Mezvinsky
Martinez
Matsui
Mazzoli
McCloskey
McDermott
McHale
McKinney
McMillan
Meehan
Meek
Mfume
Miller (CA)
Mineta
Mink
Moakley
Mollohan
Moran
Murphy
Murtha
Nadler
Natcher
Neal (MA)
Neal (NC)
Obey
Olver
Ortiz
Owens
Pallone
Pastor

Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pickle
Poshard
Price (NC)
Rahall
Rangel
Ravenel
Reynolds
Richardson
Ridge
Roemer
Rose
Rostenkowski
Rowland
Roybal-Allard
Rush
Sabo
Sanders
Sangmeister
Sarpatius
Sawyer
Schenk
Schroeder
Schumer
Scott
Serrano
Sharp
Shepherd
Sisisky
Skaggs
Skelton
Slattery
Slaughter
Smith (IA)
Snowe
Spratt
Stark
Stokes
Strickland
Studds
Stupak
Swett
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Trafeant
Tucker
Unsoeld
Upton
Valentine
Velazquez
Vento
Visclosky
Volkmmer
Washington
Waters
Watt
Waxman
Wheat
Whitten
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—184

Allard
Archer
Armey
Bachus (AL)
Baker (CA)
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bateman
Bentley
Bereuter

Bilirakis
Bliley
Boehler
Boehner
Bonilla
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle

Collins (GA)
Combest
Condit
Crane
Crapo
Cunningham
DeLauro
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dorman

Dreler
Duncan
Dunn
Emerson
English (OK)
Everett
Ewing
Fawell
Fields (TX)
Fish
Fowler
Franks (CT)
Franks (NJ)
Gallegly
Gallo
Gekas
Gilchrist
Gillmor
Gingrich
Goodlatte
Goodling
Goss
Grams
Grandy
Greenwood
Gunderson
Hall (TX)
Hancock
Hansen
Hastert
Hayes
Hefley
Herger
Hoagland
Hobson
Hoekstra
Hoke
Houghton
Huffington
Hughes
Hunter
Hutchinson
Hutto
Hyde
Inhofe
Inslee
Istook
Johnson (CT)
Johnson (SD)

Johnson, Sam
Kasich
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
Kreidler
Kyl
LaFalce
Laughlin
Lazio
Levy
Lewis (CA)
Lewis (FL)
Lightfoot
Linder
Livingston
Machtley
Manzullo
McCandless
McCollum
McCrery
McCurdy
McInnis
McKeon
Menendez
Meyers
Mica
Michel
Miller (FL)
Minge
Molinaro
Montgomery
Moorhead
Morella
Myers
Nussle
Oberstar
Orton
Oxley
Packard
Parker
Paxon
Penny
Petri
Pombo

NOT VOTING—21

Berman
Brooks
Cardin
Clinger
Conyers
Cox
Green

Inglis
Johnston
Markey
McDade
McHugh
McNulty
Quillen

Ros-Lehtinen
Royce
Smith (OR)
Tauzin
Towns
Walsh
Young (AK)

□ 1450

The Clerk announced the following pairs:

On this vote:

Mr. Johnston of Florida for, with Mr. Cox against.

Mr. Conyers for, with Mr. Smith of Oregon against.

Mr. McCURDY changed his vote from "aye" to "no."

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. CLINGER. Mr. Speaker, I was unavoidably absent on Thursday, October 28. Had I been present, I would have voted "no" on rollcall 535; "no" on rollcall 536; "yes" on rollcall 537; and "no" on rollcall 538.

GENERAL LEAVE

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent that all Mem-

bers may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on H.R. 334, the bill just passed.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. MICHEL asked and was given permission to address the House for one minute.)

Mr. MICHEL. Mr. Speaker, I have asked unanimous consent to speak for 1 moment in order that I might inquire of the distinguished majority leader the program for next week.

I yield to the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, I think the gentleman for yielding to me.

There will very likely be no more votes today. The only reason I do not state it unequivocally is that the other body still has to deal with the continuing resolution. We have no reason to believe that they will not pass the continuing resolution that was passed here earlier today, but I wanted Members to be aware that if for any reason that did not happen, we might have to take some further action today or tomorrow. So we are not anticipating votes later today or tomorrow.

On Monday, November 1, the House will meet at noon, but there will not be legislative business and there will not be votes.

Tuesday, November 2, the House will meet at noon to consider eight bills on suspension, but recorded votes on suspensions will be postponed until Wednesday, November 3, toward the end of the day. And the reason for that, of course, is that Tuesday, November 2, is an election day in a number of States.

We will be taking up the eight suspension bills on Tuesday that are noted on the schedule. However, again, the votes will be held until Wednesday.

On Wednesday, November 3, and the balance of the week, the House will meet at noon on Wednesday and at 10 a.m. on Thursday, and, if needed, on Friday. We will be taking up H.R. 2151, the Maritime Security and Competitiveness Act of 1993, subject to a rule.

There could be possible further action on H.R. 3167, the Unemployment Compensation Extension. We will be taking up H.R. 1036, to amend the Employee Retirement Income Security Act of 1974, subject to a rule, and H.R. 3116, the Defense Appropriations Conference Report, again, subject to a rule. Conference reports can be brought up at any time and any further program will be announced later.

Mr. MICHEL. Mr. Speaker, would the gentleman venture a guess as to when those votes might begin on Wednesday? What hour of the day?

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, I would say that there would not be any votes before 1 o'clock on that day.

Mr. MICHEL. Mr. Speaker, the gentleman and I have had little, informal conversations, looking toward Thanksgiving. From what I understand, we are still reaching for adjournment before Thanksgiving.

Mr. GEPHARDT. Mr. Speaker, still targeting it November 22, and we would reiterate to Members that it may be necessary, to reach that goal, to have votes through the weekend of November 19, 20, and 21.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, if I might just ask the gentleman, his staff has been very good about talking about votes for next week, particularly on Friday. I noted in the gentleman's remarks, he indicated that we would meet at 10 on Friday, if necessary.

Do we have a 60-percent chance, perhaps, of not having votes, 70 percent?

I know the gentleman does not want to give it away yet.

Mr. GEPHARDT. Mr. Speaker, if the gentleman will continue to yield, the reason we are unable to be definitive is two things: One is the defense bill and, therefore, the continuing appropriation. We need to know if those two are moving properly, and it may be necessary to be here to deal with them on Friday. But we just cannot tell Members at this point.

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. MICHEL. Mr. Speaker, I thank the distinguished gentleman.

HOUR OF MEETING ON
WEDNESDAY, NOVEMBER 3, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, November 2, 1993, it adjourn to meet at noon on Wednesday, November 3, 1993.

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Is there objection to the request of the gentleman from Missouri?

There was no objection.

DISPENSING WITH CALENDAR
WEDNESDAY BUSINESS ON
WEDNESDAY NEXT

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

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

There was no objection.

ADJOURNMENT TO MONDAY,
NOVEMBER 1, 1993

Mr. GEPHARDT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next.

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

There was no objection.

ANNOUNCEMENT REGARDING SUB-
MISSION OF AMENDMENTS TO
H.R. 796, THE FREEDOM OF AC-
CESS TO CLINIC ENTRANCES ACT
OF 1993

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

Mr. MOAKLEY. Mr. Speaker, the Rules Committee is planning on meeting the week of November 1, 1993, on H.R. 796, the Freedom of Access to Clinic Entrances Act of 1993.

In order to provide for an orderly process in the consideration of this matter, the Rules Committee is requesting that Members submit 55 copies of their amendments to the bill, together with a brief explanation of the amendment, to the Rules Committee office at H-312, the Capitol, by 5 p.m., Wednesday, November 3, 1993.

Copies of the text of the bill and the report are available in the House Document Room.

Again, the committee would urge Members to submit any amendments to the Rules Committee at the earliest possible time but in no case later than 5 p.m. on November 3, 1993. I thank the Members for their consideration on this matter.

REPORT ON RESOLUTION PROVID-
ING FOR CONSIDERATION OF
H.R. 2151, MARITIME SECURITY
AND COMPETITIVENESS ACT OF
1993

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 103-311) on the resolution (H. Res. 289) providing for consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMARKS OF PRESIDENT CLINTON

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, on September 23 President Clinton, who loves to campaign more than anything else, held a townhall meeting in Tampa, FL, to discuss his proposed healthcare plan.

In response to a woman who voiced her strong opposition to having her tax

money fund abortions, the President completely ignored her concerns and said something so outrageous, so ignorant, that I had to get the transcript of that event to satisfy myself that I had not misunderstood him. I hadn't. It was as bad as I thought. Here is exactly what President Clinton said about the prolife movement:

I believe we need an aggressive plan to promote adoptions in this country. If every prolife advocate in America adopted a child, this world would be a better place.

This statement is shocking and offensive in the extreme. Perhaps the President should do some research before he opens his mouth.

□ 1500

Every year there are 1,500,000 couples who want to adopt a child. Yet each year, while 1.6 million children are being killed by abortion, only 50,000 new children are available for adoption. This means that for every new adoptable child, 30 others are killed. For every couple that adopts, another 40 wait in line.

So what was he saying, with my new healthcare plan the Government will pay to kill your unborn children and hopefully the proliferers can adopt the few that manage to escape? Disgraceful.

Mr. Speaker, I include in the RECORD the excerpt of the Tampa townhall meeting which includes the Clinton remarks I quoted:

The PRESIDENT: Well, let me ask you—we are also personally and morally improving preventive and primary health services, and we'll actually stop some abortions from occurring with the kind of preventive services that we're going to cover for the first time in the history of this country.

This could be a subject for a whole other program. I have a difference of opinion from you about whether all abortions should be illegal. I do agree that there are way too many in the United States. I believe we need an aggressive plan to reduce teen pregnancy, to reduce unwanted pregnancies. One of the reasons I named the Surgeon General I did, my health department director, is because I'm committed to that. I believe we need an aggressive plan to promote adoptions in this country. If every prolife advocate in America adopted a child, this world would be a better place.

I want this issue to be debated, and I haven't hedged with you. Most people will get this service covered because most private plans do it. And we propose for the first time ever to put Medicaid people in the big private plans to get the economies of scale. Not for the purpose of doing that, but basically to end this two-tiered system we've had. So most will be covered. But some won't if they choose to join plans that don't cover them. Most plans do today.

COMMUNICATION FROM THE
CHAIRMAN OF THE COMMITTEE
ON HOUSE ADMINISTRATION

Mr. SPEAKER pro tempore (Mr. ANDREWS of Maine) laid before the House the following communication from the

Honorable CHARLIE ROSE, chairman of the Committee on House Administration:

COMMITTEE ON HOUSE ADMINISTRATION,
Washington, DC, October 26, 1993.

Hon. TOM S. FOLEY,
Speaker of the House, the Capitol, Washington,
DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that an employee of the Committee on House Administration has been served with a subpoena issued by the United States District Court for the District of Columbia.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

CHARLIE ROSE,
Chairman.

COMMUNICATION FROM THE HONORABLE JANE HARMAN, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable JANE HARMAN, a Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 25, 1993.

Hon. THOMAS S. FOLEY,
Speaker, House of Representatives, Washington,
DC.

DEAR MR. SPEAKER: This is to inform you, pursuant to Rule L (50) of the Rules of the House, that I have been served with a subpoena issued in a civil case pending in the Superior Court of Torrance, California.

After consultation with the General Counsel, I will make the determinations required by the rule.

Regards,

JANE HARMAN,
Member of Congress.

VACATING SPECIAL ORDER AND GRANTING SPECIAL ORDER

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. DREIER] be granted a 5-minute special order today, in lieu of the 60-minute special order previously agreed to.

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

There was no objection.

GENERAL LEAVE

Mr. SANDERS. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks, and to include extraneous material, on the special order of the gentleman from Michigan [Mr. FORD] today.

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

There was no objection.

REALLOCATION OF SPECIAL ORDER TIME

Mr. SANDERS. Mr. Speaker, I ask unanimous consent that the special order of the gentleman from Michigan [Mr. BONIOR] on November 15, 1993, be allocated to the gentleman from Massachusetts [Mr. NEAL].

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

There was no objection.

A NEW PLAYGROUND FOR THE CHILDREN OF THE DISTRICT OF COLUMBIA

(Mr. SWETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWETT. Mr. Speaker, Henry David Thoreau said, "If you have built castles in the air, your work need not be lost; that is where they should be. Now put the foundations under them." For the last 2 years, some of us in Congress have been working on our dream of building castles—a playground—for the children of Washington, DC, and we now have finally put in the foundation and built that dream.

My colleagues, Representative ELEANOR HOLMES NORTON, Senator ORRIN HATCH, and then-Senator AL GORE, helped me in spearheading a joint project to build a playground for the children at the Montana Terrace housing development in the District of Columbia. Mayor Sharon Pratt Kelly and the D.C. government joined with other national and local officials to make this project happen. The children who live in this housing development designed the playground themselves with the help of volunteer architects from the American Institute of Architects, who translated the children's dreams and drawings into an elaborate design for a wooden volcano, a stepped pyramid, and a tower designed to resemble a tree house or fort. More than 100 Members of the Senate and House contributed personal cash donations, many businesses provided materials, and local residents and numerous volunteers from the community and Capitol Hill helped to build it.

Mr. Speaker, the District of Columbia is a second home for all of us, who commute between our congressional districts and our Nation's capital. Many of us have long felt the need to give something back to our second home. The freshman class of the 102d Congress felt that this project could help to do that in at least some small way, and many of those Members were very helpful and supportive of this project. I want to thank them and all of the other people and organizations who have helped to make the children of D.C.'s dream, become a reality.

First, the sponsoring organizations—The American Architectural Founda-

tion, The American Institute of Architects, The Washington Chapter of the American Institute of Architects, and the D.C. Department of Public and Assisted Housing; second, my co-chairs in the House and Senate, Representative ELEANOR HOLMES NORTON, Senator ORRIN HATCH, and Vice President GORE; third, the Architecture Firms of Hellmuth, Obata and Kassabaum, PC, as well as Brenda Sanchez Architects; fourth, the construction coordinators Larry Pericolosi of Jefferson Millwork and Design, Valerie Warshaw of the D.C. Jewish Community Center Behrend Shelter Repair and Construction Program, Dom Vokic and Shirli Sensenbrenner of Lehman [Smith] Wiseman and Associates, and Chuck Lovett and Susan A. Retz of the American Institute of Architects; fifth, congressional spouse fundraisers Suzie Brewster and Linda Dooley; and sixth, corporate contributors the Hechinger Co., The American Institute of Architects, The American Consulting Engineers Council, Landscape Architects Daniel Castle Turner and Associates, Reprographic Technologies, Inc., Smoot Lumber Company, Safeway, National Capital Parks—Central, and Giant Food.

There are many others who deserve special credit for their tireless work over the last 2 years—Michele Booth, office of Representative ELEANOR HOLMES NORTON; Bryant and Bryant Architects; Representative DAVE CAMP; Eve Grossman, of my office; Representative DAVE HOBSON; Independent Church of God; Kay Atkinson King, my chief of staff; Jennifer Knott, Cannon Architects; Chris LaRocco, wife of Representative LARRY LAROCCO; Ann Looper, The American Institute of Architects; Martin Moeller, Washington Chapter of the American Institute of Architects; Steve Rentner, The American Institute of Architects; Susan A. Retz, AIA, Washington Chapter of the American Institute of Architects; Brenda Sanchez, Brenda Sanchez Architects; Suzette Voline, Hellmuth, Obata and Kassabaum, PC; Woody Woodrich, Executive Office of the Mayor, and the residents of Montana Terrace.

I also am grateful to those Members of Congress who gave their personal cash donations to build this playground:

INDIVIDUAL CONTRIBUTORS

Vice President Albert Gore, Jr., Treasury Secretary Lloyd Bentsen, Senator Brock Adams, Senator Robert Byrd, Senator Kent Conrad, Senator John Danforth, Senator Dennis DeConcini, Senator Bob Dole, Senator Wendell Ford, Senator Orrin Hatch, Senator Ernest F. Hollings, Senator James Jeffords, Senator Edward M. Kennedy, Senator John Kerry, Senator Herbert Kohl, Senator Carl Levin, Senator Richard Lugar, Senator Howard Metzenbaum, Senator Sam Nunn, Senator Charles Robb, Senator Terry Sanford, Senator Ted Stevens, Senator Strom Thurmond, Representative George

Allen, Representative Robert Andrews, Representative Thomas Andrews, Representative Jim Bacchus, Representative Cass Ballenger, Representative Bill Barrett.

Representative Lucien Blackwell, Representative John Boehner, Representative Bill Brewster, Representative Dave Camp, Representative Bill Clinger, Representative Barbara Rose Collins, Representative Antonio Colorado, Representative John Cox, Representative Bud Cramer, Representative Randy Duke Cunningham, Representative Rosa DeLauro, Representative Cal Dooley, Representative John Doolittle, Representative Thomas Ewing, Representative Barney Frank, Representative Wayne Gilchrest, Representative Pete Geren, Representative David Hobson, Representative Joan Kelly Horn, Representative Jay Inslee, Representative Bill Jefferson, Representative Sam Johnson, Representative Jim Jontz, Representative Joe Kennedy, Representative Herb Klein, Representative Mike Kopetski, Representative Larry LaRocco, Representative Tom Lantos.

Representative John Linder, Representative Tom Luken, Representative Buck McKeon, Representative David Minge, Representative Jim Moran, Representative Dick Nichols, Representative Eleanor Holmes Norton, Representative John Olver, Representative Bill Orton, Representative Ed Pastor, Representative L.F. Payne, Representative Collin Peterson, Representative Pete Peterson, Representative Earl Pomeroy, Representative Jim Ramstad, Representative Jack Reed, Representative Frank Riggs, Representative Tim Roemer, Representative George Sangmeister, Representative Nick Smith, Representative Dick Swett, AIA, Representative John Tanner, Representative Ray Thornton, Representative Maxine Waters, Representative Mel Watt, Representative Bill Zelliff, Ms. Ellen R. Shaffer, and anonymous contributors.

CONSUMER PRICE INDEX FOR GOVERNMENT USE

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. SMITH of Michigan. Mr. Speaker, my son, Brad, called to my attention the other day a problem related to the Consumer Price Index that doesn't seem to make sense and costs billions of dollars.

Mr. Speaker, I rise today to call to the attention of my colleagues what I consider a bureaucratic absurdity. Let me ask you a question: Did you know that we increase Government payments to Social Security retirees, the physically impaired, and others, just because the cost of tobacco products increase, from taxes or anything else?

Today, I am introducing bipartisan legislation to remove tobacco products from the so-called "market basket of goods" used by the Department of Labor to determine the Consumer Price Index used to increase Government payments.

Currently, tobacco products make up about 2 percent of the consumer price index used to inflate Government benefits. The Government should not in-

crease Government payments to individuals as a result of rising prices for a product that may be harmful, and is not used by most of those individuals having their benefits increased.

Specifically, I am concerned that the proposed 75 cent or \$1 increase in the tax on cigarettes will inadvertently result in an increase in the CPI, and thus, substantially increase Government payments.

From my discussions with the U.S. Department of Labor, CBO, and CRS, it is estimated that an increase in the tax on cigarettes of 75 cents will increase the average price of a pack of cigarettes to \$2.65 from the current average cost of \$1.90. The cigarette tax increase alone will increase the CPI 7 percent, and thus increase Government outlays \$4 billion, annually. Most every State is also considering increased taxes on tobacco, which could add additional billions of dollars of cost to the Federal Government. The cost to local and State government, because of increased payouts based on a CPI, skewed by tobacco, adds additional billions of dollars in cost to those governments.

Mr. Speaker, in order to keep Federal spending down, and not provide a windfall increase for recipients of Federal benefits, I am introducing legislation to create a separate consumer price index for Government use, the CPI-G. It is good legislation and I urge my colleagues to support this change.

FUNDING FOR THE CVN-76 AIRCRAFT CARRIER

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. CLAYTON. Mr. Speaker, there has been a great deal of debate over the issue of funding a new aircraft carrier. Despite the procedural and jurisdictional problems we have encountered here in Congress, this is an issue of great importance to our national security.

This matter was considered as a part of President Clinton's Bottom-Up Review of our Defense strategy. The conclusion of that study was that a new carrier needs to be built, and that funds for this purpose should be made available in the next budget submission. This carrier issue is not new to Congress, for it was only last year that the House and Senate authorized and appropriated \$832 million to begin construction on a new carrier to replace one built in the 1950's. The question now before us is whether or not we will make final payment on the carrier. In the long run, estimates show that we can save the American taxpayers at least \$200 million by efficiently beginning CVN-76 on the heels of the carrier now being completed.

Mr. Speaker, earlier this week, Chairman INOUE made a statement on

the floor of the other body making a powerful case for funding CVN-76 in this year's Defense appropriations bill. I ask unanimous consent that his remarks be printed in the RECORD at the conclusion of my remarks, and I implore my colleagues to read this powerful argument. I also ask that a brief executive summary of a recent study on the role of aircraft carriers in the 21st century by printed in the RECORD at the conclusion of my remarks.

Let's do the right thing and fund CVN-76.

[From the Congressional Record, Oct. 26, 1993]

AIRCRAFT CARRIER FUNDING

Mr. INOUE. Mr. President, during the debate on the fiscal year 1994 Defense appropriations bill certain statements were made which gave an unfavorable characterization to the committee's decision to provide funding for a new aircraft carrier. I believe it would be useful to examine these comments in their proper context.

The committee-reported bill recommended \$3.4 billion to complete—and here, I would underscore the word complete—the financing of the CVN-76, the next nuclear aircraft carrier. The House Appropriations Committee had recommended an appropriation of \$1 billion to partially finance the remaining balance of the carrier. Specific authorization for this action was denied on the House floor. Nonetheless, the House-passed bill still provides \$1 billion in undesignated shipbuilding funds, presumably, for this purpose.

Unfortunately, Mr. President, some have argued that the carrier is a new start which is both unauthorized and unrequested. Mr. President, I want the record to be clear. This is not a new start. The administration requested, and the Congress authorized and appropriated, \$832 million in fiscal year 1993 to begin work on this aircraft carrier. These funds paid for the purchase of nuclear components for the ship. The Navy began spending these funds last fall. Work has already begun on the carrier. All of these funds have been obligated. So, regardless of what others may argue, through these actions, the Congress has already made the decision to buy the carrier; now the question is when should the remaining funds be provided.

My colleagues should understand that DOD planned to request funds to complete payment for the aircraft carrier in 1995. While this would allow for the carrier to be built with few perturbations in the shipyard work force, it is not the most cost effective method to purchase the carrier.

President Clinton's budget for fiscal year 1994 took no decisive action on the aircraft carrier. Instead, the decision to continue to purchase the carrier was to be reassessed in the Bottom-Up Review—in conjunction with an analysis and formulation of overall carrier force structure levels. The Bottom-Up Review process carried out this in-depth analysis of the requirement for aircraft carriers. The review determined that the Navy must have 12 aircraft carriers to meet force structure requirements. With that decision, the DOD validated the need to build the next carrier.

So, the question recurs: When should the carrier be funded? The Appropriations Committee reviewed this matter and determined it would be appropriate to finance the balance of the ship's costs in 1994. There are several budgetary reasons for this. First and

foremost, by funding the carrier in 1994 instead of 1995, the Congress can save \$200 million—6 percent of the remaining requirement. This is not a trivial sum.

Second, in conducting its review of the budget requirements for DOD the committee was able to identify sufficient funds to pay for the remaining balance in 1994.

With the conclusion of the Bottom-Up Review in August, many changes were made in the financial requirements for DOD programs. In most cases this information was not available to the authorizing committees until their review of program requirements had already been virtually completed. Because we came later in the process, the Senate Appropriations Committee was able to tailor its recommendations to these results.

The Bottom-Up Review also established several basic tenets for future defense requirements. The committee adopted many of the underlying premises of the Bottom-Up Review in making its adjustments. As a result, the committee's recommendations freed up \$3.4 billion in budget authority and \$170 million in outlays, sufficient funding to cover the costs of the aircraft carrier in 1994. For good and sufficient reasons, the committee chose to allocate these funds to complete—again, underscore complete—the purchase of the CVN-76.

Mr. President, reaching the budget targets in 1994 has not been easy. It should be made clear to all Senators that 1995 will be a more difficult budget year than 1994. The Appropriations Committee will be required to cut \$24.7 billion below the CBO baseline in 1995. In addition, DOD has identified a short-fall of \$13 billion in achieving its budgetary goals over the next 4 years. Providing \$3.4 billion for the carrier in 1994, instead of 1995, helps alleviate these problems. And, as I noted, we also save \$200 million in total costs for construction of the carrier.

Mr. President, it has been falsely suggested that the committee cut research and development funds in order to pay for the carrier. That is not correct and those who have made this unfounded charge should know better. The subcommittee reviewed research and development funding requested by the President and reduced the request based on the merit of individual programs. The savings identified helped the committee reach its overall outlay target. Coincidentally, it also freed up budget authority which could be allocated for the carrier.

In debate on the Senate floor it was said that the outlay impact from this decision to fund the carrier in fiscal year 1994 will exacerbate an assumed outlay shortfall in 1995. This is also incorrect. The outlay impact from financing the carrier in 1994 in \$442 million in 1995. Had the committee spent the \$3.4 billion on research programs, the outlay impact in 1995 from those programs would have been in excess of \$1.15 billion—and the Congress would be faced with the unhappy prospect of providing \$3.4 billion in budget authority in 1995 for the carrier. The committee's recommendation will actually lower outlays in 1995 by more than \$870 million.

Mr. President, the decision to complete the financing of the CVN-76 in 1994 instead of 1995 makes good business sense. I would not want to be in the position of trying to explain to the American taxpayer that, when the Congress provided \$832 million in fiscal year 1993 for advance procurement of items which can only be used in a nuclear carrier, it really had not authorized the new carrier. That does not make any sense to me and would not make any sense to the taxpayers.

I am prepared to explain the decision to complete financing of the carrier in fiscal

year 1994. We will find it easier to stay on the path to a declining defense budget, if we finance the \$3.4 billion in remaining costs this year. This decision reduces outlays in 1996 compared to spending the funds on research. And, best of all, it saves \$200 million in the total cost of the ship. I hope all members now understand the committee's recommendations and support this approach and I urge the conferees on the Defense authorization bill to adopt it as well.

AIRCRAFT CARRIERS AND THE ROLE OF NAVAL POWER IN THE 21ST CENTURY

(By Jacquelyn K. Davis)

The defining events of the 1990s—the end of the Cold War, the war in the Gulf, and the dismantling of the Soviet empire—have had a profound effect upon U.S. security planning. Reflected in the Defense Department's "Bottom-Up Review," the Clinton administration is undertaking a major reassessment of defense force structure and logistical support networks designed to meet the challenges of the post-Cold War world, while taking into account public sentiment for greater defense economies now that the Soviet threat has dissipated.

NEW RISKS

But the breakup of the Soviet Union does not mean that U.S. interests are free from risks. There have emerged new risks in the global security environment—risks that may require the employment of U.S. forces. As the one nation that remains uniquely capable of projecting substantial power beyond its shores—and, hence, having at least some impact on the shape of the post-Cold War world—the United States may find it necessary to deploy its forces to regions where vital U.S. interests may not be at stake, but in which broader humanitarian and democratic values are being challenged. Indeed, the deployment of U.S. contingents to such widely varied crisis settings as Somalia, Northern Iraq, Liberia, and recently Macedonia, has already demonstrated the importance of maintaining flexible forces able to respond to a variety of requirements. As peacekeeping and peace-making operations assume a greater priority in U.S. foreign policy planning, and missions of humanitarian relief and disaster assistance—both at home (as in the case of clean-up operations after Hurricanes Andrew and Iniki) and overseas as well—become the norm rather than the exception in the employment of U.S. forces, civilian and military planners will be compelled to find imaginative solutions to the problem of developing a range of force packages for use in multiple contingencies.

THE AIRCRAFT CARRIER'S ENABLING CAPABILITIES

Inevitably, the challenges of security in the 1990s will place greater emphasis on "jointness," both among the U.S. Services and in connection with allied and coalition planning. Because the aircraft carrier platform is large enough to integrate a mix of Marine, Army and Air Force assets with its own considerable striking power, it will be central to U.S. joint planning in the future—both for peacetime forward presence missions and wartime operations. By virtue of its geography, the United States is a maritime nation whose welfare and global role depends on unimpeded access to the world's sea lines of communication (SLOCs). Even though there may be relatively little direct threat to U.S. navigation on the open seas (now that the Soviet Union has been dismantled), the potential for conflict in key regional theaters is very real—conflicts that

could escalate into open warfare either involving the engagement of U.S. forces, or posing a threat to U.S. (and allied) commercial and strategic interests, or both. With the proliferation of weapons technologies and the growing lethality of the forces of potential regional adversaries, the capability of the aircraft carrier battle group will provide to a joint commander or theater CINC an important enabling force of facilitate crisis response, sustained military operations, conflict escalation, and war termination.

In future theater contingencies—the primary planning focus of the new strategic guidance that is emerging from the Pentagon—there is likely to be a premium placed on those U.S. and allied forces that can:

- deploy to a theater of operations in a timely fashion;
- prevent minefields from being laid in the sea approaches to the area;
- protect sea-lift assets en route and at the point of arrival and departure;
- deliver firepower against an array of targets whose interdiction would give the adversary's leadership pause to reflect on utility of proceeding further with its warfare objectives; and,
- offer a range of flexible options, in terms of strike planning, escalation control, and war termination.

Against any range of theater scenarios, the aircraft carrier and its associated systems' assets (including its battle-group combatants, but also its deployment of long-range precision-guided missiles and new generation sensor-fuzed munitions) contribute an unparalleled capability to meet any of these objectives, while providing a tangible demonstration of U.S. capability and will—thereby offering U.S. policymakers a unique crisis management and deterrent tool.

Pressured by defense budget cuts, which could be even more severe in the out years, the number of aircraft carrier platforms in the active inventory of the Navy is likely to be a subject of contentious debate. As a capability that could aptly be described as a moveable piece of "sovereign America," the aircraft carrier can steam to a crisis location without raising tensions in countries that are not involved. Operationally, it would also not be encumbered by the political debate that often accompanies requests for the overflight of national territory, or that is inherent in requests for access to local basing facilities. The aircraft carrier platform, moreover, can bring to the scene of a crisis tangible evidence of U.S. resolve, and provide the basis for coordinating joint and combined operations if a given situation warrants the use of military force.

CARRIER FORCE LEVELS

For all these reasons, it would be foolhardy for the United States to reduce its carrier force to a level that could not provide for a flexible forward presence policy. In view of the political-psychological mindset that forms a central aspect of national security decision-making, it may be more difficult to commit (and mobilize) U.S.-based forces for regional crisis deployment missions than it would be to put carrier-based assets already near or in the area in question on alert status. Planning a force structure to fight in two major regional contingencies "nearly simultaneously" (to use Secretary Aspin's recent formulation) requires a prudent planner to retain the Navy's preferred minimum number of twelve carriers in the force structure. Reducing the number of carriers in the U.S. fleet to ten would result in significant deployment gaps, increased time at sea for sailors, and an inability to react to crises

with the flexibility that is necessary to ensure a timely and effective response. Even with a twelve-carrier force, key regions—namely the Mediterranean, Persian Gulf, and the Western Pacific—could only be covered about eighty percent of the time.

In its search to make prudent decisions about force structure (while recognizing the need to achieve some, reasonable defense economies), the Clinton administration needs to appreciate the risks associated with a decision to reduce the number of carrier platforms below twelve. The costs to the nation of doing so will in the long run far outweigh any near-term defense savings that some think can be so derived. By themselves the intangibles associated with the deployment of a credible forward presence posture centered around twelve carrier battle groups by far exceed (in value) the hoped-for defense economies of cutting the carrier program—and this includes the costs of building a new carrier, CVN-76, to be going to nine the number of Nimitz-class carriers.

DEFENSE INDUSTRIAL BASE ISSUES

CVN-76 construction carries profound and far-reaching implications for the ability of the United States to sustain a nuclear shipbuilding industry. Construction of a nuclear-powered aircraft carrier entails special skills and a comprehensive base of second- and third-tier suppliers—all of whom are not common to the construction of a nuclear-powered submarine. A decision not to fund the new carrier, or to push off its funding until after fiscal year 1995, will likely result in the disappearance of critical job skills that are crucial to the nuclear carrier shipbuilding industry. If new carrier construction were delayed, or stretched out—an alternative that is apparently being considered—the result is likely to be a far more expensive program, due to the need to accommodate the loss of key suppliers and to recreate and qualify skilled teams to do the work. Overhaul and refueling work on existing carriers simply would not provide enough work for major component suppliers in the industry to justify their staying in business. Thus, any decision delaying or canceling the construction of CVN-76 will have major implications for both the domestic economy and the defense industrial skill base. Moreover, such a step would affect adversely our ability to reconstitute and mobilize forces if confronted with a major global contingency or the need to fight in two theaters simultaneously.

One option that might be pursued is an incremental funding strategy for CVN-76. Under such an arrangement, the critical vendor base could be sustained through the authorization of funding on three or four "ship sets" of highly specialized equipment for the carrier (e.g., nuclear cores, special reactor pumps, and hydraulic plants). Such funding, in the form of another year of advanced procurement funding for CVN-76, would be a second-best means of preserving the vendor base; yet it would maintain the option to build the tenth nuclear carrier, and would moreover be consistent with the administration's domestic and global priorities.

BOTTOM-LINE ASSESSMENT

Viewed in this context, the carrier emerges as central to sustaining an adequate forward presence capability, and assuring a flexible maritime instrument for responding to the variety of potential local conflicts and crisis situations—ranging from humanitarian assistance to peacekeeping, conflict management, and war termination. Clearly, the preferred option would be maintaining twelve

carriers in the Navy's force structure—with earlier rather than later investment in CVN-76 production and development. At the very least, it is necessary to secure and sustain a degree of incremental funding sufficient to maintain the vendor base critical to future U.S. carrier construction. If CVN-76 is not funded, the United States may be forfeiting its future ability to build aircraft carriers in a cost-effective and timely manner. The operational implications of failing to move ahead with CVN-76 will undermine the Navy's ability to maintain adequate global presence, and could well hamper any President's ability to respond to unfolding crises swiftly and in an appropriate manner.

THE FAMILY VIOLENCE PREVENTION ACT

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. VELÁZQUEZ. Mr. Speaker, today I have the privilege of being joined by 27 of my colleagues in introducing the Family Violence Prevention Act, which provides family violence prevention services to underserved populations regardless of race, culture, language, or geography. The measure also establishes model programs to educate young people about domestic violence and violence against intimate partners. The bill will equally distribute family violence prevention services to all populations, and makes it possible for young people to learn about the atrocities of domestic violence at an early age.

Domestic violence is a major contributor to the escalating level of violence in America. It is the leading cause of injury to women aged 15 to 44, more common than muggings and car crashes combined. And children who live in abusive households are four times more likely to become juvenile delinquents than those raised in a violence-free environment. More than one in three Americans report witnessing an incident of domestic violence, and 14 percent of women admit that their husband or boyfriend has violently abused them. In a recent national survey conducted by the Family Violence Prevention Fund, 87 percent of those polled said that they would support legislation to increase funding for battered women's programs.

These figures paint a sad portrait of an America in turmoil. For far too many women and children in our society, the home is not a place of comfort, security, and shelter, but, instead, a den of despair and violence. Americans are in desperate need of family violence prevention services that promote prevention through education and instruction. In light of this, there is no reason why my colleagues should not support the Family Violence Prevention Act.

The act consists of two sections. Section 1 amends the Family Violence

Prevention and Services Act to require that applications for State grants include a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity, or geographic isolation. This important provision will assure an equitable distribution of grants and grant funds within all populations in the State, and is crucial because poor communities and communities of color that are usually overlooked, will receive funds for education on family violence. In addition, upon completion of activities funded, the State grantee must file a performance report explaining the activities carried out together with an assessment of the effectiveness of such activities. This would be required from all grantees.

Section 2 amends the Family Violence Prevention and Services Act to direct the Secretary of Education to select, implement, and evaluate four model programs for the education of young people about domestic violence and violence among intimate partners, with one program for each of primary, middle, and secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in light of the comments of a multicultural panel of educational experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions, and resource centers. This section seeks \$400,000 for these programs.

Mr. Speaker, I urge my colleagues to join my efforts to ensure that family violence prevention services and education on domestic violence is available to all Americans, regardless of their race, culture, ethnicity, or language. The patterns of violence that plague our country must be broken, and the only way to achieve this goal is by educating our young about the atrocities committed by those who resort to domestic violence.

The following is a text of my legislation and a list of original cosponsors.

H.R. —

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

SECTION 1. SHORT TITLE, REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Family Violence Prevention Act".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Family Violence Prevention and Services Act.

SEC. 2. GRANTEE REPORTING.

(a) PLAN TO SERVE UNDERSERVED POPULATIONS.—Section 303(a)(2)(C) (42 U.S.C. 10402(a)(2)(C)) is amended by inserting "and a plan to address the needs of underserved populations, including populations underserved because of ethnic, racial, cultural, language diversity or geographic isolation" after "such State".

(b) PERFORMANCE REPORT.—Section 303(a) (42 U.S.C. 10402(a)) is amended by adding at the end the following new paragraph:

"(4) Upon completion of the activities funded by a grant under this subpart, the State grantee shall file a performance report with the Director explaining the activities carried out together with an assessment of the effectiveness of those activities in achieving the purposes of this subpart. A section of this performance report shall be completed by each grantee or subgrantee that performed the direct services contemplated in the application certifying performance of direct services under the grant. The Director shall suspend funding for an approved application if an applicant fails to submit an annual performance report or if the funds are expended for purposes other than those set forth under this subpart, after following the procedures set forth in paragraph (3). Federal funds may be used only to supplement, not supplant, State funds."

SEC. 3. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is amended by adding at the end the following new section:

"SEC. 318. EDUCATING YOUTH ABOUT DOMESTIC VIOLENCE.

"(a) GENERAL PURPOSE.—For purposes of this section, the Secretary shall delegate the Secretary's powers to the Secretary of Education (hereafter in this section referred to as the "Secretary"). The Secretary shall select, implement and evaluate 4 model programs for education of young people about domestic violence and violence among intimate partners.

"(b) NATURE OF PROGRAM.—The Secretary shall select, implement and evaluate separate model programs for 4 different audiences: primary schools, middle schools, secondary schools, and institutions of higher education. The model programs shall be selected, implemented, and evaluated in the light of the comments of a multi-cultural panel of educational experts, legal and psychological experts on battering, and victim advocate organizations such as battered women's shelters, State coalitions and resource centers. The participation of each of those groups or individual consultants from such groups is essential to the selection, implementation, and evaluation of programs that meet both the needs of educational institutions and the needs of the domestic violence problem.

"(c) REVIEW AND DISSEMINATION.—Not later than 2 years after the date of enactment of this section, the Secretary shall transmit the design and evaluation of the model programs, along with a plan and cost estimate for nationwide distribution, to the relevant committees of Congress for review.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$400,000 for fiscal year 1994."

COSPONSORS OF THE FAMILY VIOLENCE PREVENTION ACT

Patsy Mink.
Louise McIntosh Slaughter.
Bob Filner.
Carrie Meek.
Cynthia McKinney.
Connie Morella.
Maxine Waters.
Eleanor Holmes Norton.
Jim McDermott.

Jolene Unsoeld.
Charles Rangel.
Luis Guterrez.
Edolphus Towns.
Lucille Roybal-Allard.
George Miller.
Marcy Kaptur.
José Serrano.
Elizabeth Furse.
Sanford Bishop, Jr.
Patricia Schroeder.
Kweisi Mfume.
Xavier Becerra.
Karan English.
Bill Richardson.
Lynn Woolsey.
Carlos Romero-Barceló.
Barbara-Rose Collins.

COMMUNICATION FROM THE CHAIRMAN OF THE COMMITTEE ON THE BUDGET REGARDING CURRENT LEVELS OF SPENDING AND REVENUES FOR FISCAL YEARS 1994-98

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. SABO] is recognized for 5 minutes.

Mr. SABO. Mr. Speaker, on behalf of the Committee on the Budget and pursuant to sections 302 and 311 of the Congressional Budget Act, I am submitting for printing in the CONGRESSIONAL RECORD an updated report on the current levels of on-budget spending and revenues for fiscal year 1994 and for the 5-year period fiscal year 1994 through fiscal year 1998.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE BUDGET,
Washington, DC, October 28, 1993.

HON. THOMAS S. FOLEY,
Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: To facilitate application of sections 302 and 311 of the Congressional Budget Act, I am transmitting an updated status report on the current levels of on-budget spending and revenues for FY 1994 and for the 5-year period FY 1994 through FY 1998.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or cleared for the President as of October 26, 1993.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the overall limits set in H. Con. Res. 64, the concurrent resolution on the budget for FY 1994. This comparison is needed to implement section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's overall limits. The table does not show budget authority and outlays for years after FY 1994 because appropriations for those years will not be considered until future sessions of Congress.

The second table compares the current levels of budget authority, outlays, and new entitlement authority for each direct spending committee with the "section 602(a)" allocations made under H. Con. Res. 64 for FY 1994 and for FY 1994 through FY 1998. This comparison is needed to implement section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 602(a) allocation of new discre-

tionary budget authority or new entitlement authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a). The section 602(a) allocations were printed in the CONGRESSIONAL RECORD for March 31, 1993 on pages H. 1784-87.

The third table compares the current levels of discretionary appropriations for FY 1994 with the revised "section 602(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. This comparison is also needed to implement section 302(f) of the Budget Act, since the point of order under that section also applies to measures that would breach the applicable section 602(b) suballocation. The revised section 602(b) suballocations were filed by the Appropriations Committee on September 30, 1993 (H. Rept. 103-271).

Sincerely,

MARTIN OLAV SABO,
Chairman.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET ON THE STATUS OF THE FISCAL YEAR 1994 CONGRESSIONAL BUDGET ADOPTED IN HOUSE CONCURRENT RESOLUTION 64

REFLECTING ACTION COMPLETED AS OF OCTOBER 26, 1993

(On-budget amounts, in millions of dollars)

	Fiscal year 1994	Fiscal years 1994- 1998
Appropriate level (as set by H. Con. Res. 64):		
Budget authority	1,223,400	6,744,900
Outlays	1,218,300	6,629,300
Revenues	905,500	5,153,400
Current level:		
Budget authority	1,210,171	(¹)
Outlays	1,215,097	(¹)
Revenues	905,579	5,106,141
Current level over(+)/under (-) appropriate level:		
Budget authority	-13,229	(¹)
Outlays	-3,203	(¹)
Revenues	+79	-47,259

¹ Not applicable because annual appropriations acts for fiscal years 1995 through 1998 will not be considered until future sessions of Congress.

BUDGET AUTHORITY

Enactment of measures providing more than \$13,229 billion in new budget authority for FY 1994 (if not already included in the current level estimate) would cause FY 1994 budget authority to exceed the appropriate level set by H. Con. Res. 64.

OUTLAYS

Enactment of measures providing new budget or entitlement authority with FY 1994 outlay effects of more than \$3,203 billion (if not already included in the current level estimate) would cause FY 1994 outlays to exceed the appropriate level set by H. Con. Res. 64.

REVENUES

Enactment of measures producing a revenue loss of more than \$79 million in FY 1994 (if not already included in the current level estimate) would cause FY 1994 revenues to fall below the appropriate level set by H. Con. Res. 64.

Enactment of any measure producing any net revenue loss for the period FY 1994 through FY 1998 (if not already included in the current level estimate) would cause revenues for that period to fall below the appropriate level set by H. Con. Res. 64.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)

(Fiscal years, in millions of dollars)

	1994			1994-1998		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
House committee:						
Agriculture:						
Allocation	-65	-66	-60	-2,725	-2,727	888
Current level	-99	-106	-402	-2,216	-2,411	-3,559
Difference	-34	-40	-342	509	316	-4,447
Armed Services:						
Allocation	-128	-128	-128	-2,365	-2,357	-2,357
Current level	-176	-176	-180	-2,310	-2,310	-2,357
Difference	-48	-48	-52	55	47	0
Banking, Finance and Urban Affairs:						
Allocation	0	-338	0	0	-2,792	0
Current level	0	-498	0	0	-2,831	0
Difference	0	-160	0	0	-39	0
District of Columbia:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Education and Labor:						
Allocation	0	0	118	0	0	-4,048
Current level	-150	-158	-795	-150	-150	-5,180
Difference	-150	-158	-913	-150	-150	-1,132
Energy and Commerce:						
Allocation	0	-1,700	-180	-1,169	-8,369	-7,798
Current level	2	-2,398	42	-1,159	-11,359	-7,059
Difference	2	-698	222	10	-2,990	739
Foreign Affairs:						
Allocation	0	0	0	-5	-5	-5
Current level	-6	-6	-3	-75	-75	-60
Difference	-6	-6	-3	-70	-70	-55
Government Operations:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
House Administration:						
Allocation	0	0	0	0	0	0
Current level	1	1	0	8	8	0
Difference	1	1	0	8	8	0
Judiciary:						
Allocation	0	0	0	0	-472	0
Current level	0	0	0	0	-345	0
Difference	0	0	0	0	127	0
Merchant Marine and Fisheries:						
Allocation	0	0	0	-205	-205	-4
Current level	0	0	0	-205	-205	0
Difference	0	0	0	0	0	4
Natural Resources:						
Allocation	-117	-112	0	-709	-693	0
Current level	-74	-78	0	-478	-481	0
Difference	43	34	0	231	212	0
Post Office and Civil Service:						
Allocation	-66	-66	-77	-10,199	-10,547	-9,597
Current level	-266	-266	-266	-10,258	-10,606	-9,451
Difference	-200	-200	-189	-59	-59	146
Public Works and Transportation:						
Allocation	2,092	-13	0	37,458	-85	0
Current level	-13	-13	0	-85	-85	0
Difference	-2,105	0	0	-37,543	0	0
Science, Space, and Technology:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Small Business:						
Allocation	0	0	0	0	0	0
Current level	0	0	0	0	0	0
Difference	0	0	0	0	0	0
Veterans' Affairs:						
Allocation	-11	-11	70	-1,356	-1,352	3,447
Current level	-11	-11	-233	-1,356	-1,352	-1,880

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH COMMITTEE ALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(a)—Continued

(Fiscal years, in millions of dollars)

	1994			1994-1998		
	Budget authority	Outlays	New entitlement authority	Budget authority	Outlays	New entitlement authority
Difference	0	0	-303	0	0	-5,327
Ways and Means:						
Allocation	-2,876	-2,054	-2,036	-29,669	-24,422	-12,596
Current level	-2,134	-1,742	-755	-41,279	-38,945	-34,917
Difference	742	312	1,281	-11,610	-14,523	-23,321
Permanent Select Committee on Intelligence:						
Allocation	0	0	0	0	0	0
Current level	7	7	7	15	15	15
Difference	7	7	7	15	15	15

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 1994—COMPARISON OF CURRENT LEVEL WITH SUBALLOCATIONS PURSUANT TO BUDGET ACT SECTION 602(b)

(In millions of dollars)

	Revised filed 602(b) suballocations (Sept. 30, 1993)		Current level		Difference	
	Budget authority	Outlays	Budget authority	Outlays	Budget authority	Outlays
	Agriculture, rural development	14,819	14,317	14,799	14,297	-20
Commerce, State, Judiciary	23,119	23,231	22,838	23,221	-281	-10
Defense	240,446	255,465	232,363	255,668	-8,083	203
District of Columbia	700	698	677	677	-23	-21
Energy and water development	22,017	21,702	20,585	20,407	-1,432	-1,295
Foreign Operations	13,444	13,918	12,939	13,916	-505	-2
Interior	13,736	13,731	12,610	13,060	-1,126	-671
Labor, Health and Human Services, and Education	67,283	68,140	67,230	68,089	-53	-51
Legislative	2,270	2,267	2,270	2,267	0	0
Military construction	10,066	8,784	10,065	8,783	-1	1
Transportation	13,284	34,889	13,283	34,889	-1	0
Treasury-Postal Service	11,469	11,642	11,439	11,642	-30	0
VA-HUD-independent agencies	68,311	69,973	68,303	69,973	-8	0
Grand total	500,964	538,757	489,401	536,889	-11,563	-1,868

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 27, 1993.

Hon. MARTIN O. SABO,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended, this letter and supporting detail provide an up-to-date tabulation of the on-budget current levels of new budget authority, estimated outlays, and estimated revenues for fiscal year 1994 in comparison with the appropriate levels for those items contained in the 1994 Concurrent Resolution on the Budget (H. Con. Res. 64), and is current October 26, 1993. A summary of this tabulation follows:

(In millions of dollars)

	House current level	Budget resolution (H. Con. Res. 64)	Current level +/- resolution
Budget authority	1,210,171	1,223,400	-13,229
Outlays	1,215,097	1,218,300	-3,203
Revenues			
1994	905,579	905,500	+79
1994-98	5,106,141	5,153,400	-47,259

Since my last report, dated September 22, 1993, the President has signed the National Service Trust Act (Public Law 103-82) and the following appropriation bills: Agriculture (Public Law 103-111), Foreign Operations (Public Law 103-87), Labor, HHS, Education (Public Law 103-112), Military Construction (Public Law 103-110) and the continuing resolution for fiscal year 1994 (Public Law 103-113). The Congress also cleared for the President's signature a bill extending most favored nation status to Romania (H.J. Res. 228), and appropriation bills for Commerce, Justice, State (H.R. 2519), Transportation (H.R. 2750), Treasury, Postal Service (H.R. 2403) and Veterans, Housing and Urban Development (H.R. 2491). These

actions changed the current level of budget authority, outlays, and revenues.

Sincerely,

ROBERT D. REISCHAUER,
Director.

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS.—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS OCT. 26, 1993

(In millions of dollars)

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			878,100
Permanents and other spending legislation	740,893	699,501	
Appropriation legislation		241,770	
Offsetting receipts	(183,477)	(183,477)	
Total previously enacted	557,415	757,794	878,100

ACTION THIS SESSION SIGNED INTO LAW

Appropriation legislation:			
1993 spring supplemental (Public Law 103-50)	10	(292)	
Agriculture (Public Law 103-111)	70,561	42,579	
Foreign operations (Public Law 103-87)	12,983	5,869	
Offsetting receipts	(44)	(44)	
Labor, HHS, Education (Public Law 103-112)	223,497	183,014	
Offsetting receipts	(46,061)	(46,061)	
Legislative branch (Public Law 103-69)	2,270	2,063	
Military construction (Public Law 103-110)	10,065	2,403	
Authorizing legislation:			
Authorize construction of World War II memorial (Public Law 103-32)	1	1	
CIA Voluntary Separation Incentive Act (Public Law 103-36)	7	7	
Unclaimed Deposit Amendments Act (Public Law 103-44)		17	
Transfer naval vessels to foreign countries (Public Law 103-54)	(3)	(3)	

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS.—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS OCT. 26, 1993—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Omnibus Budget Reconciliation Act of 1993 (Public Law 103-66)	(2,944)	(5,478)	27,489
Extending Chapter 12 of Bankruptcy Code (Public Law 103-55)			(1)
National Service Trust Act (Public Law 103-82)	20	12	
Total signed into law	270,360	184,086	27,488

PENDING SIGNATURE

Appropriation legislation:			
Commerce, Justice, State (H.R. 2519)	23,273	17,255	
Offsetting receipts	(146)	(146)	
Transportation (H.R. 2750)	13,884	12,636	
Treasury, Postal Service (H.R. 2403)	22,352	19,811	
Offsetting receipts	(7,063)	(7,063)	
Veterans, HUD (H.R. 2491)	87,035	47,961	
Authorizing legislation:			
Extending MFN status to Romania (H.J. Res. 228)			(9)
Total pending signature	139,335	90,454	(9)

CONTINUING RESOLUTION

Continuing appropriations for Defense, District of Columbia, Energy and Water, and Interior	266,061	181,892	
Total action this session	675,757	456,433	27,479

ENTITLEMENTS AND MANDATORIES

Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted ²	(23,001)	871	
Total current level^{3,4}	1,210,171	1,215,097	905,579
Total budget resolution	1,223,400	1,218,300	905,500
Amount remaining:			
Under budget resolution	13,229	3,203	

PARLIAMENTARIAN STATUS REPORT 103D CONG., 1ST SESS.—HOUSE ON-BUDGET SUPPORTING DETAIL FOR FISCAL YEAR 1994 AS OF CLOSE OF BUSINESS OCT. 26, 1993—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Over budget resolution			79

¹Includes Budget Committee estimate of \$2.4 billion in outlay savings for FCC spectrum license fees.

²Includes changes to baseline estimates of appropriated mandatories due to enactment of Public Law 103-66.

³In accordance with the Budget Enforcement Act, the total does not include \$3,252 million in budget authority and \$5,661 million in outlays in emergency funding.

⁴At the request of committee staff, current level does not include scoring of section 601 of Public Law 102-391.

Notes: Amounts in parentheses are negative. Detail may not add due to rounding.

POVERTY IN AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. HINCHEY] is recognized for 5 minutes.

Mr. HINCHEY. Mr. Speaker, I do not think that there is a single day, probably not even a single house, when we here in Washington are not deluged with another desk full of statistics generated by commissions or researchers.

This is not a complaint, just an observation. Because those statistics contain the raw information we need to make informed decisions about where our country needs to go and how we can best serve our constituents.

But by themselves, those graphs and numbers rarely command more than a brief focus of attention unless they are particularly compelling to someone with the media's ear: either horrific, inspiring, or, most commonly, politically useful, because numbers, however logically compelling, do not seem to touch most people's lives.

Today I want to talk about some recent statistics that are all too immediate. All too real. All too easy to turn away from because they pose hard questions without easy answers, because they do not offer quick advantages for anyone.

Nearly 37 million Americans are living in poverty today. Not simply laboring to make ends meet, but struggling with nearly insurmountable barriers of need.

And if you exclude Government assistance in the form of Social Security, unemployment insurance and the like from the reckoning, the number would jump to more than 57 million poor: individuals making less than \$7,143 a year, families of four surviving on less than \$14,435.

Just another number, and, the Census Bureau adds, it is not even a statistically significant increase from last year's figures.

Yet more Americans are poor today than they have been since 1962. And 40 percent of them are children.

More than one in five American children lives in poverty, another statistic that has been firmly entrenched in yearly reports since the early 1980's.

These are not simply numbers. They are a searing indictment of the decisions and priorities we've adopted as business-as-usual practices in our Government and society.

Thirty-seven million Americans in poverty aren't numbers in an annual report. They are children whose futures are handcuffed to the limited horizons of violence and dependency.

They are families where there is no American dream, only a continuing daily struggle to survive. People are being forced into a permanent underclass on the edge of society.

These are numbers we cannot put aside when we go about the day-to-day considerations of Government and personal existence.

These are statistics we cannot accept as simple descriptions of a stabilizing social snapshot.

Because these are not numbers, but people—and so many of them are children unable to defend themselves from the assaults to their dignity, their hopes, and—all too often, their very lives, that poverty inflicts.

Here in Washington it can be all too easy to move on to the next report, focus on the constant stream of topics demanding our immediate attention.

Together, as a nation, we are facing an unparalleled series of social changes and tests. Our ability to retain and nurture America as a place where hope and opportunity are every citizen's birthright is in question.

The changing realities of the global political and economic map, coupled with the reordering of the workplace as the technological revolution rolls onward, present enormous challenge and opportunity.

As we consider how to shape our responses to health care, NAFTA and every other issue, we cannot ignore the 37 million Americans living in poverty.

We can't let that number remain statistically unchanged.

We must keep it burning so fiercely in our conscience that its light illuminates every decision we make. Or else the darkness of poverty will enfold all of our spirits as surely as it does the everyday lives of so many of our fellow Americans.

RETIREMENT PROTECTION ACT OF 1993

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. FORD] is recognized for 5 minutes.

Mr. FORD of Michigan. Mr. Speaker, I am very pleased to introduce, with my good friend and colleague, Chairman DAN ROSTENKOWSKI, the Retirement Protection Act of 1993. This bill is the administration's proposal to reform the Pension Benefit Guaranty Corporation [PBGC] to strengthen and insure the pension benefit security for millions of workers and retirees in underfunded defined benefit pension plans.

I applaud the administration, the Secretaries of Labor, Commerce and Treasury and their

staffs for their efforts to produce this product. The Congress has expressed growing concern over the perceived risk to the PBGC of several large unfunded plans. The administration, on taking the reigns of government, asked for time to review pension benefit security and the long-term stability of the PBGC, to project the extent of its exposure, and to recommend a thoughtful solution if needed. The administration has met its timetable and the bill reflects several months of hard work by the inter-agency task force.

The proposal provides for a number of reforms to increase pension funding for certain underfunded plans, attaining full funding of nonforfeitable benefits within 15 years. It is expected that these reforms will stabilize the financial condition of the PBGC for the long run. The administration further projects that the PBGC's deficit will be eliminated within 10 years. The bill would also enhance the PBGC's compliance tools so as to assure that employers remain responsible for their plans. Of particular importance to workers and retirees is the requirement that participants in underfunded plans be given an annual, plain-language explanation of their plan's funding status as well as the limits on the PBGC's guarantee. I include at the conclusion of my remarks a brief explanatory statement prepared by the PBGC that outlines the bill's major provisions.

Mr. Speaker, while I introduced this bill by request, I want my colleagues to know that I am committed to ensuring the long-term financial soundness of this program. When we passed the Employee Retirement Income Security Act of 1974, we promised our workers that their pensions would be secure and available upon retirement. Securing the financial soundness of the PBGC will reaffirm that promise. We can do no less for our workers and retirees. I wish, as well, to express my hope that as we approach this very complicated area of the law that we proceed with great care to measure the effects that these funding requirements will have on particular sectors of our economy. Surely we do not want, in the name of reform, to destroy jobs or threaten the well being of whole industries. We need to proceed with caution and with the help of the companies that have underfunded plans. And we need always to remember our ERISA promise to our workers and retirees.

RETIREMENT PROTECTION ACT OF 1993

As a whole, the defined benefit pension system insured by the Pension Benefit Guaranty Corporation (PBGC) is strong and well-funded. There is, however, persistent pension underfunding in some single-employer plans. Underfunding in single-employer plans grew from \$27 billion in 1987 to \$38 billion in 1991 and is expected to grow much more for 1992. At the end of 1991, about \$12 billion in underfunding was in plans sponsored by troubled companies. The PBGC is in no immediate danger and will be able to pay benefits well into the foreseeable future, but there are substantial long-term risks to participants, the PBGC, and the retirement plan system, which must be squarely addressed now.

Given the current funding rules, the level of underfunding in plans of troubled companies and the PBGC's \$2.7 billion deficit in the single-employer program are likely to increase in the coming years.

The legislation has four major areas of reform: plan funding rules, compliance, premiums, and participant services.

Funding. The bill strengthens the funding requirements for underfunded plans. The deficit reduction contribution (DRC), which was enacted in 1987 to increase funding of underfunded plans, has not accomplished its goal. The DRC was flawed in several ways. The legislation will correct these flaws by: eliminating the double counting of gains that significantly weaken the DRC under current law; specifying interest and mortality assumptions and requiring IRS approval of changes in other assumptions in certain underfunded plans; and accelerating the DRC funding schedule. Under the accelerated funding schedule, new liability would be amortized at 30% per year if the plan's funding ratio is 60% or less (versus a 35% or less funding ratio under current law.) Plans that are fully funded for current benefit promises would not be affected by these rules.

Further, for plan years beginning after 1994, the bill requires sponsors to begin funding immediately for negotiated benefit increases that will become effective in the future.

As an extra safeguard, plans at risk of not being able to pay benefits in the short term, are required to have on hand enough liquid assets to cover three years' benefit payments. The provision is designed to reduce the possibility that these plans will run out of money.

The bill includes a transition rule to ease the impact of the new funding requirements. Under the transition rule, funding percentages would increase in a measured way by 2-3 percentage points per year for the first five years and slightly higher percentages in the next two years.

The bill also deals with three issues of concern to employers that want to fund their pension plans or that have well-funded plans. The bill repeals the quarterly contribution requirement for fully funded plans. The bill eliminates the current 10% excise tax on certain nondeductible contributions for combined contributions to a company's defined benefit and defined contribution plans that exceed 25% of payroll. It also eliminates the 10% excise tax on nondeductible contributions for plans with fewer than 100 participants that fully fund all benefit liabilities upon plan termination. (Plans with more than 100 participants may deduct this contribution under current law.) Deductibility rules would not change.

Compliance. Certain corporate transactions, such as break up of a controlled group, threaten funding of pension plans and increase the risk that participants in an underfunded plan will lose benefits. The only current remedy is for the PBGC to petition the court to terminate the plan before the transaction. Other remedies are needed because plan termination can have harsh effects on plan participants and their employers. The bill would enable PBGC to seek judicial relief short of plan termination, such as a court order requiring that departing controlled group members remain responsible for pension underfunding for a period of time or provide security for part of the pension liabilities. Controlled groups with over \$50 million in their underfunded plans, outstanding liens for missed contributions, or outstanding funding waivers of more than \$1 million would be required to give PBGC 30 days' advance notice of certain events.

Other compliance changes would require sponsors with over \$50 million in underfunding (or outstanding liens or funding waivers) to provide PBGC with better actuarial and financial information; grant ongoing plans a claim for pension underfunding against liq-

uidating sponsors or controlled group members; prohibit employers from increasing benefits in underfunded plans during bankruptcy proceedings; and give PBGC concurrent authority with the Department of Labor to enforce minimum funding requirements when missed contributions exceed \$1 million.

Premiums. The bill increases for plans that pose the greatest risk by phasing out the \$53 per participant cap on the variable rate premium. The premium cap will be phased out over three years, starting with plan years beginning on or after July 1, 1994—20% the first year, 60% the second year, and 100% the third year. Because of the cap, plans with the greatest amount of underfunding pay no additional premiums for increased underfunding. In fact, plans at the cap account for 80% of all single-employer plan underfunding, but pay only about 25% of PBGC's total premium revenues. The flat rate premium of \$19 per participant paid by all plans is not changed.

Participant Protection. In addition to protections provided by the enhanced funding and compliance, the bill contains other important participant protections. Too often, workers and retirees do not know the risks to their benefits posed by underfunding until after their pension plan has been terminated. The bill requires employers to provide participants in underfunded plans a simplified, understandable explanation of the plan's underfunded status and the limits of PBGC's guarantee. The PBGC will provide a model notice for use by employers.

The bill also contains provisions to protect participants who are "missing" when their fully funded plans terminate. Employers would be required to transfer adequate assets to PBGC to pay for missing participants. PBGC would pay the benefit to the participant when the participant contacts PBGC or is otherwise located.

Other Changes. The bill specifies the interest rate and mortality assumptions that may be used to calculate a lump sum distribution, provides rounding rules for certain tax code cost-of-living increases that affect benefit plans, and eliminates "age-weighted" profit-sharing plans and similar cross-tested defined contribution plans.

Effect of Reforms. The Administration expects the reforms to eliminate PBGC's deficit within 10 years and, based on an initial analysis, to improve funding of underfunded plans from the current average of 55% to 90% of all benefits, and from an average of 60% to 100% of vested benefits, within 15 years. The legislative package is budget neutral.

Mr. ROSTENKOWSKI. Mr. Speaker, I rise to announce introduction, by request, of the Retirement Protection Act of 1993. My colleague, the honorable WILLIAM FORD of Michigan, Chairman of the Committee on Education and Labor, and I have introduced this legislation at the request of the administration.

This bill reflects the administration's proposals to the Congress for reform of the significant and chronic underfunding of certain federally insured pension plans. These underfunded plans have a direct impact on the financial solvency of the Pension Benefit Guaranty Corporation [PBGC] as well as the security of millions of workers.

The issues surrounding underfunded defined-benefit pension plans have been the focus of a series of hearings before the Committee on Ways and Means over the past 2 years. During this time, the Committee has received reports from various governmental agencies and private entities on these issues.

Those reports concluded that underfunding is a serious problem that will only worsen unless legislative reforms are enacted.

I think it is unfortunate that nearly 20 years after the passage of the Employee Retirement Income Security Act [ERISA], approximately 20 percent of all pension plans are still underfunded. Some of these underfunded plans have assets worth less than half of their current liabilities. In addition, some plans are underfunded by billions of dollars. To date, the unfunded liabilities insured by the PBGC exceed \$50 billion. In such cases, the workers and retirees of these plans are at risk of losing benefits they have earned, and which they believe are guaranteed. In addition, underfunded pension plans pose great financial risk to the Government.

Mr. Speaker, I share the concerns of the administration and my colleagues on these issues, and believe that failure to act now will present us with greater problems in the future. If we enact legislative reforms now, we can prevent the need for the Federal Government to bail out the PBGC. If we delay, the bailout may be inevitable.

The legislation Chairman FORD and I are introducing for the administration today strengthens the funding rules for underfunded plans and increases the insurance premiums charged to severely underfunded plans. In addition, the bill increases PBGC's ability to enforce the minimum-funding requirements and to hold large groups of commonly controlled corporations accountable for the pension commitments of their corporate members. Finally, the bill requires that each participant in an underfunded plan receive a written explanation of the plan's financial condition and the limits of the PBGC's guarantee of their promised benefits.

Mr. Speaker, let me conclude by saying that I look forward to working with the administration and my colleagues on these issues. Many of my colleagues will agree that the bill before us is not perfect in every detail. Concerns about certain provisions contained in the bill have been brought to my attention. These concerns include the ability of significantly underfunded plans to continue to provide additional pension benefits. In addition, concerns may also be raised over some of the financing provisions contained in the bill. I would request that the administration remain open to working with the Congress to analyze the financing sources contained in the bill.

The legislation we are introducing today, by request, reflects some meaningful reform proposals. The financial security of many of our retired workers will remain at risk until we address these issues. It is my hope that the legislation will be taken up as soon as possible.

ISSUES THIS CONGRESS MUST ATTEND TO

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the House, my perspective on some of the issues of the day is a little bit different on occasion than my friends in the Democratic and

Republican Parties. What concerns me very much is that as we debate very, very important issues here on the floor of the House, sometimes we have a tendency to forget what are some of the most important issues facing our country. We slough over them. We do not debate them. We do not talk about the possible solutions.

Mr. Speaker, what I want to do now is just touch on some issues that I think do not get the attention they are due. The first point I want to make is, I wonder how many Americans today know that over a 20-year period, the United States of America went from No. 1 in the world in terms of the wages and benefits our workers receive, to No. 12 in the world. When we hear people up here saying, "We are the wealthiest country in the world," it isn't true anymore. It once was.

There is a reason why German companies are now coming to the United States of America to manufacture their products. That is, the German workers now make 25-percent higher wages than our manufacturing workers.

And if you look at other social indices, if you look at the health care situation in Europe or in Scandinavia, the parental leave situation, the unemployment compensation, pensions for the elderly, in many, many instances people of Europe and Scandinavia now do better than we do.

□ 1510

So my first thought is, we have got to examine how does that happen. How do we go from No. 1 in the world to No. 12 in the world? I think clearly one of the reasons has to do with the decline in manufacturing in America.

As it happens, I have many, many disagreements with Ross Perot, and I am offended that somebody who has billions of dollars can suddenly become a political leader because he has billions of dollars. But we must congratulate Mr. Perot in making a very important point, and that is if we continue to lose our manufacturing base, if we continue to convert our jobs from decent paying manufacturing jobs that pay workers \$15, \$10 an hour to flipping hamburgers at McDonald's for \$4.25 or \$5, we will continue to see a decline in our standard of living. And that is what is happening in a very, very rapid way, and that is what the NAFTA agreement is about.

Over the last 20 years the wages that our production workers have earned has declined by 20 percent. And it is even worse for the young workers. They are making nowhere near what young workers made 20 years ago. So we have to reverse that. We need a new industrial policy in America which rebuilds our manufacturing base. That is an issue that we are not discussing anywhere near enough, but we have got to pay attention to it.

The second point I want to make, which is talked about very, very rarely here on the floor of the House, is the growing gap between the rich and the poor and what we call class issues. There is a mythology that some people out there have that gee, we are a classless society, we are all in this thing together, and that is absolute nonsense. What has been going on over the last 12, 15 years is the gap between the rich and the poor has grown wider.

How many Americans know that the wealthiest 1 percent of our population now own more wealth than the bottom 90 percent? That is called, my friends, oligarchy. When we were kids in school we used to learn about that existing in Latin American countries. What do you think is happening in America today? The rich are getting much richer. The working people are seeing a decline in their standard of living and the poor are now sleeping out on the street. And we have 5 million children who are hungry.

Now, you do not hear this too often, but how do the American people feel about the fact that the chief executive officers of the largest corporations in America now earn 157 times what the workers in those corporations earn, 157 times? Their incomes are soaring. Last year the incomes of the top chief executive officers in America went up by 56 percent. Not too bad. For workers, we continue to see a decline in our standard of living.

Now how does this go on? Well, I will tell you how it goes on. What goes on is that ordinary American people are extremely frustrated at the two-party system, they are extremely frustrated with what is going on in terms of politics as usual, and they do not vote, they give up. In terms of NAFTA, we give up things where we should have hundreds and hundreds and thousands of people rising up and saying do not send our jobs to Mexico. We demand that American corporations reinvest in this country, not in Malaysia. The truth is we are not hearing that.

So what I would say is that if we are going to turn this country around, what I beg is that ordinary American working people, family farmers, those people who are working longer hours for less pay, those people who want to see their kids get a college education, that they begin to stand up and fight back, and demand that the U.S. Congress act for ordinary people and not just the wealthy and the powerful.

HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes.

Mr. BONIOR. Mr. Speaker, I am here today once again to talk about an issue that all America is talking about today, an issue that touches the lives

of more Americans in a more personal way than any other, and that issue of course is health care.

Mr. Speaker, 1 month ago yesterday the eyes of the Nation were focused on this Chamber as the President of the United States challenged Congress to take up the task of health care reform. He unveiled his plan to fix what is wrong with our health care system while preserving what is good, what is working, and what is right with it, a plan that builds upon and improves the system we have now to make it fairer, to make it better, and to make everyone responsible, and above all, above all, Mr. Speaker, a plan to guarantee each American comprehensive benefits that can never be taken away, never be taken away.

It has been nearly 50 years since Harry Truman first proposed comprehensive health care reform, 50 years. And yesterday an American President finally delivered on that promise. Yesterday the President presented his bill for health care reform to Congress in Statuary Hall, which is right in front of me. It is the old Chamber in which the House of Representatives used to meet.

What he presented is the most detailed, the most comprehensive, the most responsible health care reform plan ever introduced in the history of America. Working on this bill will likely be the highlight of each of our careers, because it will benefit Americans of all ages for generations to come.

Mr. Speaker, when Franklin Delano Roosevelt introduced Social Security back in 1935 he called it a sacred trust between the Government and its people that could never be broken, and that trust was symbolized by the Social Security card that we all have, and many of us probably carry it in our wallets and in our purses.

I think the same can be said about the President's health care plan. If you remember during the speech, the President held up this card, a health security card, a card that guarantees to each American a comprehensive package of benefits equal to, or better than, the benefits provided by the Fortune 500 companies. This card too represents a sacred trust between the Government and the people. And as the President said in his speech, with this card if you lose your job, or if you switch your job, you are covered. If you leave your job to start a small business, you are covered. If you retire early, you are covered. If you or someone in your family has a preexisting medical condition, you are covered. If you get sick, or a member of your family gets sick, even if it is a life-threatening illness, you are covered. And if an insurance company tries to drop you for any reason, you will still be covered, because that will be illegal.

The President's health care plan guarantees a comprehensive package of

benefits, and with this card you will never leave home without it. That, Mr. Speaker, is the ultimate goal of health care reform, to give all Americans the peace of mind to know that no matter what happens, health care will always be there for them.

The First Lady, of course, joined us yesterday in the unveiling of this proposal, and she said not long ago, "I hope we can agree on one thing from the outset, that when our work is done, every American will receive a health security card guaranteeing a comprehensive package of benefits that can never be taken away under any circumstances," because we all know that is certainly not the case today. Every single month, every month in America, nearly 2 million people who work hard, who play by the rules, lose their coverage. And over the next 2 years one out of every four Americans is expected to be without health insurance at some point.

This problem is unraveling the social, and I might also add the economic fabric of our society. It is reducing productivity, it is affecting our competitiveness, it is draining our Federal and State budgets, it is driving down the wages and living standards of our work force. This problem affects all of us, and each of us, Independent, Democrat, Republican, have got to work together to solve it.

A national consensus for health care is forming now for the first time ever. Leaders in both the Republican and Democratic Parties have embraced comprehensive reform. But of course, now the hard work begins, really begins. The question we will spend the coming months trying to answer is simply this: What is the best way to get there from here?

□ 1520

It is not an easy question. As someone said, "Gravity isn't easy, but it's the law." Well, health care reform will not be easy, but it is the law that will most profoundly affect the future of America. We must all work together, Democrat, Independent, Republican, to make it happen.

We have a unique opportunity as people who have been given the privilege to serve our constituents in this great Nation to provide perhaps one of the most significant pieces of legislation in the entire history of this great Nation of ours.

In the coming months we in Congress are going to work with the White House and the public to hammer out all of the choices that confront us. But there are a lot of issues before us. It is not simple, it is not just a matter of one or two things. This involves a lot of issues that affect every segment of our society.

But I hope when we engage in this debate we can put aside our partisan and ideological differences and have a con-

structive debate in order to come up with a final plan that is fair, compassionate, and that works, a plan that remains wedded to the six basic principles, the principles of health care reform that the President outlined again yesterday morning.

And they are: security, simplicity, savings, choice, quality, and responsibility. And I think they bear repeating this afternoon.

I want to talk about them very briefly. First, security: To provide all Americans the security of knowing that, as I said, no matter what happens, whether you switch your job, you get laid off from your job, lose your job, you have a preexisting condition, you and your family will never lose your health care coverage.

Second, savings: To control the cost of health care that is crippling the American business community, hurting American families, and exploding our deficit, the plan will stop the escalating costs of health care premiums and provide discounts to small businesses so they can afford health care for their employees and their families.

Simplicity: to reduce the paperwork. We all have horror stories about having to fill out insurance forms. All our medical doctors and nurses know of the plethora of paperwork that encumbers an office trying to provide medical services. Cut the redtape, reduce the regulations that are keeping our doctors, our nurses, from giving you the health care you need. They should not be spending an inordinate amount of their time doing paperwork when they were trained to provide services to people that affect their medical health.

Today there are 1,500 insurance companies all with a form of their own. Under the President's plan, there will be only one form.

Fourth, choice: We have heard a lot about choice over the last several months. We want to preserve your right to choose your doctor and your health plan so that we can, above all, have a doctor that our family has confidence in and a plan that we have confidence in. And this plan that the President is proposing will give you your choice of the type of doctor you want or the type of plans you want, much more choice, I might add, than the American people have now.

Many of our people who work in our economy today and whose employer provides health insurance for them are limited in the scope in which they get to choose their doctor and their plan. This will broaden that considerably and give the consumer and the worker more choice.

Fifth, quality: To make what is best about America's health care system even better, the plan would provide free preventive care, invest in training more family doctors and make medical research a priority.

For seniors, it will preserve Medicare and cover prescription drugs and ex-

panded long-term care for the first time. There is one issue that we have heard consistently from our senior constituents, and even our nonsenior constituents who have parents who are in that age bracket, they want to know what we are going to do about long-term care. They want to know what we are going to do about the escalating cost of prescription drugs which is eating away at the meager savings of many of our seniors today. It is not unusual to find many of our seniors taking one of the pills that they are ordered to take instead of the four because they cannot afford it. It is not unusual to find them paying 30 and 40 percent of their monthly incomes just on prescription drugs.

We will deal with those problems in this comprehensive reform bill. We will move in the long-term care to home health care where people will be able to get care in their homes when they are elderly.

We must also insure that America continues to have the best doctors and the most advanced treatment in the world.

Now, the sixth is responsibility: To make sure that everybody is in this together, everybody pays their part and contributes to health care.

Right now we all pay for those who do not take responsibility. Everybody knows the stories of the folks, the 2 million a month who lose insurance, or the permanents who do not have insurance or will not have insurance; when they get ill, they get cared for usually. They end up going to the emergency room, which is very inefficient. But that cost is passed on to the rest of us. And everybody knows that employers who do not provide health insurance for their employees, other employers have to pick up that added cost that is passed on to the insurance bills that those of us who have insurance have to pay.

That is why, often, when you get a bill from the hospital, you will see an exorbitant amount for an aspirin or for this or that; usually buried in that cost is the cost to service people who do not have health insurance.

Responsibility also means changing behavior that drives up our costs and causes suffering, like the violence from handguns in our society, smoking, excessive drinking. These issues we are beginning to address and to tackle in American society today. There is a raging debate, obviously, over violence in our communities all across America and what causes that violence. There has been a campaign against smoking that has raged now for a couple of decades in this country, and smoking is down considerably. Of course, there is education, more and more education about excessive alcohol intake.

We need to do more on preventive medicine, we need to do more about making sure that people take care of

their own bodies, the temple of who they are, to make sure that costs do not continue to rise.

We need to restore the sense that we are all in this together, that behavior by one group or one segment of our society affects not only the health of others but the costs that we all pay to tackle this health care problem.

Mr. Speaker, through it all there will be those who will say we cannot afford change, that the present system, you know, is working fine, just tinker there and tinker there and that will take care of it, that the insurance companies and the drug companies will make changes on their own. Well, we cannot let the special interests dictate this debate. That is what you are getting on a lot of TV commercials running today, it is the special interest campaign to dictate this debate, to make you worry that your elected Representatives will not act in your best interests.

We have a system that is bankrupting this country today. We can fix it. If we do not fix it, it will drift, and the way it is continuing to drift, the cost of health care will rise to \$14,000 a year for a family of four by the end of the decade. It is about \$5,500 now; it was about \$2,500 in 1980. It is out of control. It needs to be reined in, it needs to be tightened, it needs to be polished so the quality is better than ever, and we can do that.

America has been at the mercy of some of the special interests too long. It is time we recognize in this country that health care is a right and not a privilege. If every other major industrial country in the world can provide health coverage for all of its people, we ought to be able to do it too. After all we have 200 years of existence as a Nation, and its seems to us it is about time we did it.

In the months to come we are going to hear a lot of statistics and numbers to dramatize the crisis in health care; but we have to remember that health care is more than just numbers and statistics and theory; it is the real lives of real people.

We have to be able to put ourselves into the stories of the people we hear from to give this debate real meaning, people like the man from my district whom I met who told me, "Congressman, I am in my late fifties, I worked 40 years in the plant, and I am now retired. I go to the mailbox every month to get my retirement check. I went last month and there was a check for \$32, and a note that said, 'that's all you're going to get from now on because we are deducting from your retirement your accelerated and increasing health care costs'", which was part of his contract.

□ 1530

A man's life and dreams shattered, 40 years, and this guy was not working in a soft job. It was a factory job, a job

where he went in, did a hard day's work, came out, grimy from the work, his muscles tired and sore and all he wanted to do was go home and let some time drift by him as he relaxed. He did that for 40 years, felt he had a pension coming to him and then had it ripped off because of this escalating health care crisis in this country.

People like the women who visited me in my office who were working in nursing homes, I had five of them visit me. They said to me, "Congressman, we take care of your parents and your grandparents, yet we make \$6 an hour and we don't even have health insurance ourselves."

This one woman almost broke down and cried. She told me, "I say a prayer every night that my son doesn't get sick, because I don't know what I would do."

Women who are working in nursing homes, taking care our own, and yet have no insurance for their own families.

Or like that man from Michigan who wrote to say that 14 years ago he was diagnosed with Hodgkins disease. With the help of a strong will and some good doctors, he fought it and by 1985 he was pronounced cured, cured by everybody but his employer's insurance company who refused to cover him because it was a bad risk. So after 15 years on the job, his boss was forced to lay him off just because the insurance company would not cover him. Now he has no job. He and his wife and his two children have no health insurance.

Mr. Speaker, we have all heard these stories. There are tens of thousands of them out there. Each of us in our own constituencies goes home and hears them on a daily and weekly basis. They come from people who are frustrated, who are frightened, who are fed up with a system that makes no sense, that provides no coverage at crucial times when they expect it, when it is their right to have it, and that does nothing to protect them from price gouging and risk and the rising cost of health care.

They come from people whose very idea of security is being shattered, like the man I mentioned earlier, shattered right before their eyes.

It is time that we provide people with the security and the peace of mind to know that no matter where they go or when they go, their health care will always be there for them.

Our ultimate goal then is this: Health care security for all Americans, and the only way to get there is to keep what is right with our system, the best doctors, the best medical technologies, the best medical research, while fixing what is wrong, and there is a lot wrong.

Nothing we do in this Congress will be as important. Nothing we do will be as long lasting. Nothing we do will touch the lives of more people than health care reform.

The President's plan, Mr. Speaker, is before us. The hard work is just beginning.

The eyes of the Nation are watching us today. Health care reform has got to be our top priority. It will not be easy, but I hope we all have the courage in this Chamber to do what is right, because the future of our children and the future of our country depends upon it.

Mr. Speaker, this is a very, very tough debate we will enter into in the coming months. I just want also to add for my colleagues who may be listening, I hope we do not dilly and we do not dally. This debate has been going on for 50 years. We cannot in all good conscience suggest that it is just beginning. We cannot do that. This debate has been going on since Harry Truman called for it 50 years ago.

There have been peaks and there have been valleys in which it has raged. We are now at a peak and it is important for us to embrace it, to accept it and to do it. Just like the Nike ad says, "Just do it," and do it right. Consider it, have the proper hearings, the input from the American people, but do it, and not under the illusion that we will get it a hundred percent right on the first try.

All one has to do is look at Germany, England, and Canada, and all our other Western democratic neighbors who have national health care. The Germans have had it since 1870.

If you look every year at one of the major, if not the major, item in their legislative and parliamentary agenda, it is health care reform. They are constantly refining it, improving it, tinkering with it, making it work better for the people, because the society in which it functions changes. People change and times change. Technology changes. So we have to evolve and change with it.

We have got to develop the mainframe. We have got to develop the plan in which we encompass health care, because it is not something that once we do is going to go away. It will be with us constantly throughout our lives and certainly our political lives.

But let us first begin. Let us take the plunge to do something about a problem that has plagued this country and has not been properly addressed by this Nation.

I want to commend the President and Mrs. Clinton for having the courage to come forward, the first people since Harry Truman to come forward with a comprehensive plan to get this done. All the other Presidents, Republican and Democratic alike, failed to do that. The most advance we have made during that 50-year period was in 1964-65, 1965 specifically, when we did the Medicare reforms in this country, which provided Medicare for the elderly.

It was a big advance. There was Social Security in the midthirties. Medicare in the midsixties, and now we are going to wrap up health care in the early 1990's, another 30-year period.

But the country is ready. You can sense it. You can feel it, with the different players involved here, the doctors, the nurses, the people who are involved in the business side of medicine and the hospitals, even some of the interest groups are ready to come to the table and bargain and try to put together a plan that makes sense, not only for them but for their employees and the rest of American society.

So I am just very pleased that the President came. He spoke with emotion. If you listened to him yesterday, you heard him talk about the fact that we went through a wrenching 6 months in this Chamber of deficit reduction. We passed the deficit reduction bill of half a trillion, \$500 billion in deficit reduction. We won it by one vote here, one vote in the U.S. Senate, and that vote was cast by the Vice President who broke the tie and it was signed by the President.

It was difficult because it encompassed everything we do in our Government today. It affected everybody's life in America, and it was tough because it involved raising some revenues, taxes if you will. Mostly 99 percent of that was on the very upper income people who make \$140,000 a year or more; but nonetheless, we had to raise some revenues and we also had to cut a lot, but we need to be fiscally solvent.

One of the biggest parts of our budget problem is the rising health care costs. They are rising three and four times the rate of inflation. Medicaid, Medicare, VA health care, health care for our military personnel, all are rising at an astronomical rate.

We will have lost the budget battle, lost it entirely, all the blood, the sweat, the tears, the votes we cast over this past year to get that budget down, we will lose that if we do not supplement it with health care reform.

I might tell my fiscally conservative friends out there and colleagues, this health care reform package will be the biggest deficit reduction bill and budget package that you will pass probably in your entire history in the U.S. Congress. That is my guess, because it will restrict the amount of spending on programs that are out of control already in America today.

So Mr. Speaker, I just want to conclude by thanking my colleagues for attending the event yesterday and watching and listening intently to Mrs. Clinton, who has been just such a champion on this issue. She is knowledgeable. She is bright. She cares with a passion that is almost beyond belief about the health of this country. She is a tremendous asset to this administration and to the American people.

Then listening to the President outline his passion and the need, this will

be the issue that we focus on more than anything else in the coming year.

We began yesterday with the presentation of the bill. I entered it into the RECORD this afternoon. Hearings will commence very shortly on the specifics of it, and then, of course, the debate begins again. It begins in earnest as we move forward to provide health care for all Americans.

□ 1540

GUN CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Mexico [Mr. SCHIFF] is recognized for 60 minutes.

Mr. SCHIFF. Mr. Speaker, I ask unanimous consent to yield 10 minutes of my time to the gentleman from North Dakota [Mr. POMEROY].

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

There was no objection.

HEALTH CARE

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New Mexico [Mr. SCHIFF]. I want to speak for a few minutes about the health care debate and, in particular, talk about problems that require Congress to take the action for enactment of meaningful reform and meaningful reform this session.

I say to my colleagues, You don't have to be a public policy genius to understand that dramatic changes are needed with our health care system. We have got a system that is broken. We have got problems that are bad and getting worse every single week.

Mr. Speaker, for me the most powerful indicators that I have seen about the deteriorating condition and the fatal problems in the present system have come to me from personal examples of family threatening problems called to my attention by individuals during the years I have been in public service to the citizens of North Dakota. Prior to being a Member of Congress, Mr. Speaker, I served for 8 years as a State insurance commissioner, and in the years as a State insurance commissioner and in the last several months as a Member of Congress I have had some truly heart-wrenching situations called to my attention.

For example, one evening at home I received a call while I was insurance commissioner. It was a gentleman who had been out in the field for an entire day putting in his crop. He came home, opened his mail and saw his Blue Cross/Blue Shield premium. It indicated a rate increase that, in fact, exceeded his ability to continue in place that needed coverage for his family.

Mr. Speaker, this individual asked me time and time again, "What am I going to do? I cannot afford this insurance rate increase, and Lord knows my family needs health insurance. What am I going to do?"

I was the State's insurance commissioner, but I did not have any advice for that farmer, and I expect that today he and his family are without the coverage they need to access health insurance services.

I traveled throughout North Dakota holding senior citizen forums, trying to address questions about health care and health insurance coverage issues. Sometimes to these forums some senior citizen constituents of mine will bring small boxes literally full of correspondence they have received from insurance companies or health care providers, billings, notices of payment, and goodness knows what all, but it is so indicative of the paperwork clogging our present system.

Third, Mr. Speaker, I had a circumstance where a young couple took me aside at a public event. I noticed the individual, the fellow, had a slight limp, and in fact, as they told their story to me, he had lost his leg in a work-related accident working for stockyards up in northwestern North Dakota. He was employed at the time of this accident, and the insurance covered his medical bills, but in fact the premiums paid by that small employer had risen 200 percent since that accident, and they were facing dropping of coverage even though he needed additional medical attention because they could not keep up with the premium increases.

And finally I have received calls over the years from people in stages of cancer treatment, people who barely have any hope left of being able to receive the medical care that they need, people whose only hope of beating this dreadful disease is a bone marrow transplant prescribed by their physician. In a couple of instances these individuals were unable to access the bone marrow treatment prescribed by their physician because their insurance company deemed this to be an experimental procedure, something they would not cover even though it was literally a matter of life and death to these people.

Now these are all problems that have a very personal character and represent, I think, in terribly personal ways problems we have with our present health care system.

For example, Mr. Speaker, the cost issue, the ongoing, unrelenting cost inflation we see in our system evidenced by the farmer who called me with his premium increase. We have a situation where national health care spending, the amount spent on health care in this country has doubled since 1985. It will nearly double in the next 7 years, by the turn of the century. We will have a situation where, without change, one dollar out of five goes for health care services.

The past statistics bear witness to what is taking place. Per capita we spent in this country on health care a

little over \$1,000 in 1980; by 1990, 2½ times that amount, a little over \$2500; by 1993, a little over \$3,000, and by the year 2000, if we do nothing, every man, woman, and child in this country will spend, on average, \$6,000 on health care services. We cannot continue this per capita rate of increase.

The cost for individuals, as my colleagues know, is reflected in premium increases having gone from a hundred dollars a month from merely a few years ago to routinely over \$500 a month. We have seen the cost of insurance represent a little less than the cost of one's car payment. Now it exceeds the cost of the mortgage, and there is no end in sight.

The cost for business is just as severe. It is a significant factor behind suppressed wage growth. It is a significant factor behind the reluctance of employers to hire more people back to work. It is a significant factor, in fact, in global competitiveness where we have \$1,200 representing the sticker price of a United States-manufactured car compared to less than half that amount for a Japanese-manufactured automobile. How can we compete internationally when we carry a price tag on health benefits that is more than double our international competitors, and, as a percentage cost of the gross national product of this company, 9 percent of the gross national product in 1980 went to health care services, 14 percent in 1993, and we are heading for 19 percent by the year 2000, nearly one dollar out of five.

We have got to deal with cost. Health reform that does not deal with reining in cost is no meaningful health care reform at all. It is beyond what it is doing to families, beyond what it is doing to business. It is crippling the solvency of the Government itself. It is the biggest reason for the rising cost for Federal Government. The Federal Government spent \$72 billion on health care services in 1980, \$223 billion in 1991, \$259 billion in 1992, heading for \$600 billion in 10 years if we do nothing, and we cannot keep up with that kind of growth in Government. It is absolutely killing taxpayers across this country. We have got to do something about reining in costs.

For the individual with the amputated leg that found himself unable to obtain alternative coverage we see demonstrated a very sad aspect of what costs have done to insurance practices by some companies in my States.

□ 1550

Rather than take the steps necessary to contain medical costs, they have instead spent their energies trying to figure out how to uninsure those running up the bills for them and how to keep away from insuring those that most need it, the people with health conditions in this country. We have seen medical underwriting screen out any-

one with the slightest hint of medical troubles. Even more insidiously, we have seen rating schemes, that in your group, if you have a health care problem, as your claims come in, your premiums go up. Insurance we think of as spreading the costs out over a large body. This is keeping costs right on the group itself, until the premiums get to a point where they have to drop the coverage. This type of insurance practice has left even those with insurance today with no security that they will actually have the coverage when they need it. Demonstrated by the senior citizens bringing their bills to these forums in box loads, we have a demonstration of a system of paperwork that is completely out of control. We are strangling in paperwork with our present system.

I am absolutely confident that we can cut down on this paperwork. How many of you have received billing notices from insurance companies, you open them up, and the thing reads, "This is not a bill"? If it is not a bill, why are they sending it out for heaven's sake? There is an expense involved in that. We can cut down costs by eliminating paperwork that is only confusing the public and adding expense, time, and bother to the medical providers of this country.

Mr. Speaker, I have tried in the last few minutes to point out the breadth of problems in our existing system of health care and to challenge this body to address these problems. This is a terribly difficult issue, and I am not sure I am for everything in the President's 1,600-page bill. I have certainly got more study before I conclude it. But I will give him credit for facing up to the issue and advancing a program that meaningfully addresses these problems. We have got to in our own response make sure we deal with costs, and make sure we deal with coverage, if we are to enact meaningful health care reform this session.

GUN CONTROL

Mr. SCHIFF. Mr. Speaker, I have not very often come out here to present a special order. Those few times that I have, have invariably been met by a few letters from around the country that basically say to me, and I am sure my colleagues have the same experience, "Why on Earth do you Members of the House of Representatives do these special orders? As anyone can see, the Chamber is virtually empty." It is not completely empty.

There are actually two reasons in my judgment for doing special orders. The first is we do communicate with our colleagues this way. During most of the day, during any portion of the session, all of us have televisions tuned to C-SPAN next to our desks. I have heard it argued that maybe C-SPAN was a bad idea in that sense because more Members of the House of Representatives and perhaps the other

body, too, came to their Chambers to hear debates in person when there was no C-SPAN.

I cannot say for sure, except that I can say that Members do follow the debate in their office while they are doing other work.

Second, of all, however if C-SPAN has caused less Members to come to the House floor, whether it is now or earlier during the various debates, it has presented a wonderful opportunity to invite the public into the Chamber.

C-SPAN provides an unparalleled historic opportunity for the public in the United States not only to see the votes as they take place, but to see the different individuals, hear the different arguments, and make up their own minds.

So I believe that these special orders, even if no other Members are listening, achieve a great purpose and are presenting to the public various information and arguments that we think are not presented any other way.

Mr. Speaker, that is why I am out here today. I am out here to talk about the proposed Brady bill, the proposed waiting period and background check before an individual can purchase a handgun.

I want to say that I am taking this time somewhat reluctantly, because although I do not support this bill, for reasons which I will explain, neither is it some type of holy crusade on my part to see it defeated.

For example, if the Brady bill does pass, and I think the odds very much favor that at some point during this Congress, based on previous votes, that it will and if it, for example, were included in a larger crime bill and not by itself, I would not vote against an entire crime bill that I otherwise agreed with because this provision might be there.

Nevertheless, the reason that I am taking the floor today is that I am very concerned that information through the normal media channels about what is and what is not in this bill, I do not think, has been adequately presented, and I desire the time here today to make that kind of presentation.

Mr. Speaker, today in the Committee on the Judiciary we were supposed to take up the entire proposed administration's crime bill. Also introduced was another proposed alternative bill, generally from Republican members of the House on the Committee on the Judiciary, as well as another proposed bill from other Democratic members of the Committee on the Judiciary.

Our chairman decided, because there were a number of different bills, that most of the proposed crime legislation would be referred back to the subcommittees from the Committee on the Judiciary for further consideration. I understand that decision because the fact is there is nobody for crime. There

is nobody out there arguing that we ought to have crime. But it is a very complex and difficult subject, and there is a variety of legitimate disagreement on how to approach the subject of crime.

Although perhaps we could have taken up more in the full Committee on the Judiciary without referring it to the subcommittee, I understand that there is significant debate that the chairman wished to have further pursued.

Well, I am also, in addition to being a member of the Committee on the Judiciary, a member of the Subcommittee on Crime and Criminal Justice. The chairman of our committee has called for a vote first thing tomorrow morning on the Brady bill. So we will have an independent vote in the Subcommittee on Crime and Criminal Justice tomorrow morning on that bill. It is important for that reason, the fact that we are having this vote tomorrow and the fact that I do not think there has been an adequate explanation of the bill, that I am here right now.

Now, when I say I do not think there has been an adequate explanation of the bill, what I mean is that its proponents, in my judgment deliberately, because they have been a great deal of headway with this, have said we have to pass the Brady bill because we have to teach a lesson to the National Rifle Association. And whenever I see various news commentaries, it is usually revolving around, if not directly, the National Rifle Association. Certainly those who say we should not have any kind of gun control or oppose generally gun control.

My feeling is that we should pass legislation that is good for the country and we should reject legislation that is bad for the country. We do that by looking at the specific legislation and examining how it is proposed to benefit, in this case, law enforcement, or how it might actually be counterproductive to law enforcement.

In my judgment, whether the National Rifle Association or any other organization supports a bill or objects to a bill, they are entitled to their input in our democracy, of course, but that is not a reason to pass or reject legislation. We should pass or reject legislation strictly on its merits.

I think that the use of "We are going to teach the National Rifle Association something," is a diversion in my opinion to keep from looking exactly at what is in this bill and what it hopes to provide and why it does not provide that.

To go into the bill now, the Brady bill contains three basic parts. The first is it contains a waiting period before one can purchase, in this case, a handgun. The waiting period is for the purpose of doing a background check by law enforcement on the proposed purchaser, to try to be certain that it

is not illegal for the proposed purchaser to receive or possess a firearm under Federal law.

□ 1600

There are various categories of individuals who are not permitted, under Federal law, to legally possess firearms. Probably the most significant in these terms are those who are convicted felons, but there is also others on the list, including those who have been adjudicated mentally incompetent and so forth. So the first provision in the Brady bill is, there is going to be a waiting period for the purpose of a background check.

The second provision is that the background check will be conducted, it is mandatory in the bill that it be conducted by local law enforcement. That is, the local sheriff or local chief of police from county to county and city to city will be required to perform this background check. And third and finally, the bill provides for adoption of a national instant check, computer check, for purchasers of handguns by utilizing a direct computer connection between retail firearms merchants and law enforcement agencies to get a quick yes or no, when someone applies for a firearm.

That bill has been presented before. It is now part and parcel of the Brady bill. In fact, the bill itself, the Brady bill says that once we have a national records check, once this is available for the entire Nation, then the waiting period and the background check go away. So actually, the national background, direct computer check will actually take the place of the waiting period at some day in the future.

Now, let me go back over those three parts. First of all, the background check, the waiting period for a background check.

The idea of a waiting period for a background check is that it gives law enforcement the time to check out the background of a purchaser to see if that purchaser is eligible, or not eligible, to possess a firearm, in this case, again, a handgun, and if not, to say, no, you cannot get that handgun. And the object behind it, because this is called, I believe, the Brady Violence Control Act, words to that effect, Handgun Violence Control Act, so clearly the reason here for all of these provisions is to have a system where the waiting period will deny a handgun to those who are about to use it to commit the next violent felony. That is the purpose here.

Just stopping there for a moment, is that likely to work? I submit that that is not the case.

I have a background in law enforcement. I was a criminal prosecutor, including an elected district attorney for 8 years, and a criminal prosecutor for a total of 14 years. For 2 additional years, I was also a defense attorney. So I have seen that side of the system.

And I can say that those criminals who are going to commit the next felony are not expected to buy their firearms at a licensed, reputable dealer. I think it will be found that they buy them on the black market or, more likely, they just steal them from those licensed establishments. After all, if you are a thief, why do you buy anything? You just break in and take it with you. So I submit to my colleagues that there is no reason to think that; that the criminals we are talking about are the people who are purchasing firearms from legitimate gun dealers.

Now, the proponents cite those States which have State background checks right now, and they cite figures to prove their point. They will say that in various States that have a background check, in a certain number of cases, whatever number they can cite, during a year guns were denied to people who were not eligible to own those firearms. And they cite that as proof of the fact that these waiting periods and background checks actually accomplish what they are, in fact, supposed to accomplish, that they are supposed to keep guns out of the hands of criminals. And they say it is done.

But I think a closer look at the statistics that are presented, if you can get this information, which I have found it very difficult, if not impossible, to do, at least from the State I have dealt with, I think would not support that claim.

First of all, I suggest that on those persons who attempt to purchase who are rejected, they may, in fact, be rejected for legitimate reasons, but I suspect that at the same time they are not your next criminal. What I am talking about is, I suspect that in many cases, there was someone who convicted of a felony, perhaps an embezzlement 20 years ago, and today, now, they are interested in personal protection, as many people are. Well, it is still technically illegal for them to purchase a firearm, including a handgun, of course. Therefore, they are lawfully denied the right to buy this particular handgun.

But to suggest that these individuals are the same individuals who are getting a firearm for the purpose of robbing the next convenience store, I suggest, challenges the mind. I think further evidence of that is to take the terms that I have heard to the effect of, we kept, we being the waiting periods in the States, we kept so many criminals from getting firearms, that cannot be backed up no matter what the criminals were, no matter whether they were, as I have suggested, non-violent criminals from years or decades ago who may not have even known that they could not buy a firearm, who even if they are the most violent criminal ready to commit the next crime, there is no evidence, no credible evidence that State background checks have actually kept firearms out of their hands.

I mean the potentially most violent people, if, in fact, that is who we are talking about. Here is how I come to that conclusion. Once again, the statistics out there are almost nonexistent in any State that I have been dealing with with respect to having waiting periods and background checks.

But the question is, What happens to those individuals who are not eligible to purchase a handgun and try to purchase a handgun, once they are rejected? Again, no matter what kind of former felons they are, there is very little evidence that those people are rapidly arrested and prosecuted. There is little evidence that the States and localities make a serious effort, once they know somebody has tried to purchase a firearm, to say, we have to go out and arrest that person. They have tried to illegally purchase a firearm, and we are afraid they are intent on robbing a store or committing another violent crime. We have to take them off the streets now.

That just does not happen. So what the best evidence shows is that those States with background checks today deny a certain number of purchases, but the individuals who are denied that purchase are free, free to then go down the street and try again or go to the black market or steal one and so forth. The only statistics I have seen on prosecution are based upon prosecutions that may have occurred anyway and elsewhere. There is nothing to indicate that there is, in all the States that do a background check, that there is an organized system to say, we are going to get these people off the street now. And if you do not get the person off the street, assuming this is the kind of person you want off the street, you have not stopped them from getting a handgun. You have only stopped them for that moment.

I would respectfully ask, to those who live in States where there is a background check right now of people who wish to purchase a handgun, ask your State government or ask your local government, what do you do? What do you do when somebody is turned down? What effort do you make to take them off the street immediately? See what kind of answer you get, especially over, say, the last 12 months.

But it is often suggested that if, despite its deficiencies, if a bill like this can prevent even one crime, is it not worth it? In other words, even if it is not perfect, even if it will not catch every crime, if a 5-day waiting period and a background check will, in fact, prevent a violent felony, is that not reason to proceed anyway? To put it another way, what is the harm?

The answer is, there is an argument on the other side. There is an argument, and I would have to concede that it is possible in some cases one could argue that the waiting period and the

background check mean that a crime had been prevented. I cannot argue that it is impossible anywhere. Quite possibly, that is the case.

The idea that even at best it is any number that would make any noticeable difference in the crime rate, I think, is not supported. But why not do an act like this, if it could stop any number of violent crimes, even one? The answer is that it can be argued that a waiting period can also cause crime.

How can a waiting period cause crime?

□ 1610

There are two reasons. No. 1, we do know that most of the individuals who attempt to buy handguns at legitimate gun dealers are honest citizens. That is a given to everybody. We can argue about how many criminals are trying to buy that way and what kind of criminals they are, but the truth is most individuals who are trying to buy are honest citizens. Yet we are taking police officers or police personnel, but certainly police dollars, off of the street to check out numbers of buyers who are legitimate citizens.

One has to ask how many criminals could be taken off the street if we took the money that is devoted to investigating backgrounds of honest citizens and used that specifically to investigate and prosecute criminals. The argument can be made that the resources lost checking out honest citizens are permitting criminals to continue to commit crimes.

Second of all, waiting periods are a two-edged sword. A waiting period by itself is a waiting period. A waiting period can apply just as easily to an individual who is threatened by a criminal and wishes a firearm for personal protection.

I am well aware there are normally escape hatches in bills like this, and there is here, that allow the discretion to chiefs of police and so forth to allow the immediate purchase of a firearm for self-defense, but this requires somebody who believes they are a victim, a woman, for example, being stalked by an ex-boyfriend, to convince someone else, "I need to buy a firearm for self-defense." It at least raises a question that somebody has to make an evaluation for somebody else, whether they need to defend themselves and in what manner.

I think what this all comes down to is the fact that the people who are sponsoring this bill, H.R. 1025, by official name, have not, as of thus far, been willing to do the background check themselves, either through use of a Federal agency or through reimbursing the local government to do the check.

Mr. Speaker, I would point out again that the first part of H.R. 1025, the Brady bill, is a waiting period for the

purpose of a background check. The second part is to require a background check by local law enforcement. There is no provision that the Federal Bureau of Investigation do the background check, although we have the power to mandate that, since they are a Federal law enforcement agency. There is no reimbursement for the localities to do it if we want to use them.

What is the reason for not having the Federal Bureau of Investigation do the background check? The proponents give this reason. They say that local police know their cities better than the FBI agents would know a city, and might know something about a potential purchaser that would come to mind faster than would come to mind with a Federal official.

First of all, I submit that that is not going to be true in any major metropolitan area. The person working in records in a city and the person working in the FBI office in the same metropolitan area probably know the same amount of personal information.

More significantly, though, that argument is only true as far as it goes. It is true that the local police or sheriff might have some local records that are not available anywhere else except in that local police or sheriff's office. It is also true that the local police and local sheriff might not know of any arrest, any arrest at all, that has occurred in the next State or even in the next county, because they do not necessarily keep those records.

I can say that any kind of reasonable check, background check by local or by FBI officials, requires at least two stops. It is absolutely necessary to check with the local police department. It is absolutely necessary to check with the FBI, because the FBI is the repository of our national records system.

There is absolutely no reason why local police officers can make these two checks better than an FBI agent can make these two checks. They can both do both checks equally. I submit that the real reason why there is not a provision in this bill to make the Federal Bureau of Investigation do the check, which I think would improve the bill from the point of view of the supporters, they are complaining that the reason we need a national bill is some States have background checks and some do not, and that is a hodgepodge. The bill on its face really does not improve that. It says, "local law enforcement agencies are required to make every reasonable effort at a check."

What does that mean? That is still going to mean a hodgepodge of how well the checks are done in some places versus other places. If the Federal Bureau of Investigation were used to do the check nationally, you would have a common quality standard on doing the checks.

It makes more sense from a supporter's point of view. I think the reason it is not here is that the Department of Justice, which has been appearing regularly testifying in favor of the Brady bill, would go crazy if they thought they had to actually use their manpower and their resources to do the background check. In other words, the Department of Justice today thinks that the Brady bill is a wonderful idea, provided only they do not have to do any work about it.

I think if we really made the decision, given the debate which is arguable on both sides, that a background check is a worthwhile use of law enforcement resources, we should use our own agency.

Tomorrow I intend to offer an amendment at the subcommittee that will say that. If that amendment fails, I intend to offer an amendment that would require the Federal Government to pay the local police officials for doing this check. If we insist that local police officials can do a better job than the FBI can of doing a background check, then it seems to me we ought to be willing to pay the local police officials to do this background check.

By the way, if that amendment fails, I am going to offer a third amendment that says the local police may do the check but are not required to do it. It seems to me that if we are not going to use a Federal police agency to do the check, if we are not willing to pay local law enforcement to do the check, I do not think we should make it mandatory on another agency.

I want to stress that I think that if any individual State wants to pass a waiting period and a background check, I am not here to object to it. What I am objecting to is Congress telling the local agencies, "We think this is such a great idea, you ought to do it." That is the law enforcement equivalent of "let's you and him fight." "We think it is a wonderful idea, but we are not going to touch it." I think that is what is chiefly wrong with the bill.

Mr. Speaker, I might add that another argument that has been made in favor of this bill, H.R. 1025, is the cooling-off period; that if a certain number of days existed between the desire to purchase a weapon and the actual receipt of that weapon, that would cause individuals who are bent on committing murder to not commit murder, because they would think about it and be dissuaded from the crime. This assumes, among other things, that they would not get mad 5 days later and go ahead and do it anyway. I suggest that anyone who is mad enough to commit murder right at a moment is going to find a way to commit murder.

However, I would point out that the third provision of the Brady bill, after the waiting period and after the requirement that law enforcement do the

check, the third provision of the Brady bill is adoption of the national instant computer check as a substitute for the waiting period and background check. That means no waiting period. The waiting period goes away. That is what this bill says today. That is how it is written today. That is what we are going to vote on tomorrow.

For those who believe this cooling-off period would be beneficial in and of itself, without any reference to a background check, I would point out that the waiting period goes away under the bill, so that is not a particular reason to support it.

Mr. Speaker, I would like to take just a couple more minutes to just go into some of the things that I think should be done. I have stood here and criticized the proposal and given the reasons for it, and given the reasons that I think what I have said has not normally been reported, I think, in the conventional media, which is why I am here.

What would I propose? First of all, I am not adverse to gun control by that name. In other words, I am willing to consider any proposal on its merits, and vote for it or against it, depending on whether I think it is best for the country. In fact, I support the instant check system. That is the way the Brady bill says the Nation is going to go. I have to say that it has been 5 years since I was elected to Congress and left law enforcement, and the improvement in the record system around the country has been enormous in the last several years.

I personally credit Sara and Jim Brady, even though I have disagreed with their bill, for putting the emphasis on this issue that I think has led to the improvement of the records, because it was a real mess for a number of years, not just to determine who can purchase a firearm, but for such things as determining if you have a given defendant in a given case, do you have a first-time offender or do you have a multiple offender. We could not tell. We could not get what is called a rapid sheet from the Federal Bureau of Investigation, which is supposed to be a complete criminal history, and most likely it would show an arrest in a given State on a given date for a given offense, and no disposition.

□ 1620

So you then have to go to that State and ask them to search through their archives to determine whether this person was convicted of an offense say several years ago in another State. It was not a good system. It was improved dramatically, and I think to the credit of the Bradys. But I support the national instant check system.

Second of all, I want to point out that one of the most important anticrime laws on the books today is gun control. That is, the crime I have

referred to that says it is a crime for a convicted felon to be in possession of a firearm. We are concerned that a convicted felon would have a propensity to use a firearm to commit the next offense. I think it is a legitimate concern in many cases. We already have a law against that. We already have a law that says it is against the law for a convicted felon to possess a firearm. It is Federal legislation today. It has been for many, many years.

I have tried to get statistics from the Justice Department for weeks on end about how much enforcement they are doing of that law, how many cases have they prosecuted, how many cases have they rejected, how many cases have they prosecuted where the individual has not yet committed another crime. In other words, using this law to prevent another crime rather than just using it as an added charge to someone who has committed a new crime and has a prior record. I have no objection to that use, but if we are talking about using laws to prevent crime, this is a major piece of legislation that could be used. Thus far the Department of Justice has not responded.

At such time as they do respond, I will in fairness make their response a part of the RECORD, but thus far they do not have those statistics. I assume they are compiling them now. From what I know of the situation in the last 2 years, there has been some improvement over the use of this law by the Department of Justice in a program called Trigger Lock initiated by the Bush administration and I think continued by the Clinton administration. But it seems inconsistent to me, and I think I am being kind in the use of that word, that the Justice Department testifies in favor of new gun control legislation, the Brady bill, that they do not have to enforce, while at the same time, at least up until now, they have not been able to show what they are doing in enforcing the Federal gun control statute they have at their disposal. It seems to me if they were not just being politically correct, and they really believed this was effective legislation, not only would they be willing to do the check themselves through the FBI, as I have indicated before, but in addition they would have immediately available to us here how many prosecutions of convicted felons in possession of a firearm that we have done already.

Now I think that tackling crime is going to be an extremely difficult issue. I think the causes of crime are very complex and the solutions will be complex. I would say that of all of the collective proposals, and I am not necessarily rejecting many different proposals, I would center on two ideas. If we are going to reduce violent crime in this country, we have to first keep young people from turning into violent criminals, and second, we have to do

something about the violent criminals that regretfully we already have.

On the first, the Judiciary Committee today under the chairmanship of Chairman BROOKS is expected to pass several bills that deal with grants for the States that will help them try to dissuade young people from becoming violent criminals, and I support those bills. I regret to say, though, there is absolutely nothing on the horizon to do something about the here and now.

I believe the leading immediate cause of violent crime is the revolving door of violent criminals in our prisons where convicted violent criminals get a substantial portion off of their sentences from prison, and then are allowed back out on the street. And we all know what happens then. I regret to say that my own State of New Mexico is a leading offender, giving their violent criminals up to 50 percent off of their prison sentences.

Now I am not calling for specific sentences. That is up to a jury or a judge in accordance with the laws of the State. What I am calling for is truth in sentencing. I believe that when a convicted criminal is convicted through due process, and is sentenced by a jury or a judge, depending on that State's rules, to a prison term, that convicted criminal should serve at least 85 percent of their term as imposed before they can be released by good-time credit or parole or anything else. I am convinced that we can take any other action that we can envision on immediate law enforcement, including more police on the street, or passage of the Brady bill, and by itself it will not have any meaning if we cannot keep off of the street those violent criminals that are causing this mayhem in our society, and I think that ought to be our primary goal in terms of immediately assisting law enforcement.

Mr. Speaker, in conclusion, I want to say that the Republican members of the Judiciary Committee, under the leadership of my colleague, BILL MCCOLLUM from Florida, and under the Research Committee Task Force on Crime, of which I am chairman, will have a public hearing at 11 a.m. tomorrow, actually following the Brady bill vote, in which experts from the field of law enforcement will testify as to their ideas as to what should be in crime legislation. I want to stress that although this is a Republican-sponsored hearing I think crime is not a partisan issue. Crime prevention is not a partisan issue. And I look forward to taking the ideas we get from this hearing and joining with my Democratic and independent colleagues to pass the best legislation we can to protect the American people, because in the words of President Clinton, keeping people safe is the first responsibility of Government.

SOUTHERN CALIFORNIA FIRES

The SPEAKER pro tempore (Mr. ANDREWS of Maine). Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 60 minutes.

Mr. DREIER. Mr. Speaker, under normal circumstances I would be taking this time to talk about what I clearly believe is the single most important domestic and international vote that we will cast in the 103d Congress, and I am referring to the urgent need to pass the North American Free-Trade Agreement. But because of the fact that I represent parts of Pasadena, CA, and other areas of southern California that have been devastated over the past 48 hours by the fires which we have all seen, I would like to take a few minutes to talk about that, and then I am going to yield the balance of my time to my very good friend from Selah, WA, Mr. INSLEE, who is going to carry the day on the North American Free-Trade Agreement.

We have all seen that over the past few days southern California has been devastated due to the Santa Ana winds which created the climate for these fires. Many people know that over the past several years California has suffered a very serious drought. And then last year we had tremendous rains, and those rains caused very lush growth. As we saw that take place, we saw great benefits to southern California.

But as we got toward late spring, and through the summer, things dried out, and it created the situation that developed within the past couple of days. And that is of course the climate which was very conducive to these tragic fires.

There are about 15 fires that have taken place from Ventura County all the way south to the Mexican border. And as the world knows, this is one of the most populous parts of the entire Nation and the entire world. Millions of people live in this area. And I happen to represent 18 cities or parts of cities in the eastern suburbs of Los Angeles County. I share the city of Pasadena with my good friend, Mr. MOORHEAD.

What has become known as the Altadena fire has had a particularly devastating effect on the area which Mr. MOORHEAD and I represent. Fifty to one hundred homes have been lost, and of course we do not have a final count yet because people are still working on it. There are between 8,000 and 10,000 acres that have been destroyed.

The northern portion of the city of Sierra Madre, a beautiful small city right at the base of the San Gabriel Mountains, the northern portion of it was evacuated last night. And I am very gratified at the fact that there was no structural damage in the city of Sierra Madre.

St. Luke Hospital, which is located in Pasadena, has seen, through some tremendous work by volunteers, local

officials, Los Angeles County firefighters, the Forest Service, 170 people evacuated from St. Luke Hospital. The elderly in the Park Marino and Marlinda convalescent homes in Pasadena were also evacuated yesterday. Private and public schools in Pasadena and Sierra Madre were evacuated as well.

The Eaton Nature Center, which is operated by the Los Angeles County and located near Kinneloa, was destroyed by fire.

The Forest Service and the Pasadena, Sierra Madre, and Los Angeles County fire departments joined forces, and we have heard cases of great heroism that have come forward in this cause.

Other heroes included the Los Angeles County Fire Department, and included the helicopter pilots who flew into the very smoky areas that were affected next to the canyon walls to drop water and chemicals on the forest fire.

□ 1630

They also, I am very happy to report, were able to save some homes by dropping water on them. There were, as I said, other key assistants that came from neighboring communities who provide fire trucks and firefighters. Unfortunately, in the Eaton Canyon area, which I am privileged to represent, there were a number of homes that were lost. And due to the number of meetings here, I have been delayed, but the first thing tomorrow morning I will be going to southern California and I will be touring with local officials in this area.

I have underscored to those in the media with whom I have spoken that I am very sensitive to the fact that when those of us who are elected officials come into these areas, we do not want to in any way detract from those who are trying to provide immediate assistance to the victims. I am hoping by tomorrow afternoon, if it is convenient for the Fire Service in Los Angeles County and Pasadena and Sierra Madre city officials, I look forward to joining them in looking at this area.

I want to thank President Clinton for recognizing the need for designation of a natural disaster. This, of course, is one of the worst natural disasters to hit California. As I said at the opening of the session this morning here in the well, California has suffered greatly over the past several years.

I used to represent the city of Whittier, where we suffered a very devastating earthquake in 1987. We have had the Loma Prieta earthquake in 1989 and other earthquakes since which have taken place.

We all know in the wake of the Rodney King verdict we had fires and devastating riots that hit south central Los Angeles and other parts, including parts of the city of Pomona, which I represent.

Then, of course, we have seen over the past few years, due to cuts in the defense and aerospace industries, economic devastation which has hit the largest State in the Union; an unemployment rate that has hovered around 9 percent, in Los Angeles County double-digit, 10 percent; and just within the last couple of days these fires, which as I said extend from Ventura County all the way to the Mexican border.

My colleague, CHRIS COX, represents Laguna Beach. That city was evacuated. 310 homes at least were lost in that fire.

One of the things I think is very important for us to underscore is the fact that we want those who are responsible—and there is a wide range of reports that the Altadena fire reportedly came from a homeless person who started a fire to keep warm and that got out of control.

But in cases of arson, I think we need to look at the arson laws. I am told that the Federal penalty for arson is simply 5 years. I think it is important for us to intensify that because the tragic loss which has taken place in southern California can never be recouped for many of these people who have lost so much.

I hope that those who are responsible for these crimes are prosecuted to the full extent of the law, and I think that law should be toughened.

Mr. Speaker, I want to thank my colleagues, obviously not many of them here. I appreciate my friend, the gentleman from Washington [Mr. INSLEE], being here to listen to this. I will say that when I return next week I will be reporting to the House the findings that we have. Again I thank my colleagues here for understanding the necessity to deal with this very, very devastating natural disaster that has hit southern California.

At this point, Mr. Speaker, I would like to yield the balance of my time to my good friend, the gentleman from Selah, WA, Mr. INSLEE, who is going to talk about the issue which I wish I could discuss here, and will look forward to discussing as we approach that November 17 vote, and that is the North American Free-Trade Agreement.

I yield the balance of my time to Mr. INSLEE.

NORTH AMERICAN FREE-TRADE AGREEMENT

The SPEAKER pro tempore (Mr. ANDREWS of Maine). The Chair recognizes the gentleman from Washington [Mr. INSLEE].

Mr. INSLEE. I thank my friend from California, and I am sorry that he has to attend to that emergency. I hope things turn out.

Mr. Speaker, I would like to talk about the NAFTA agreement that is going to be before us in a few weeks. But before I do, I want to talk about something very nice which happened at

our Capitol last weekend. It got me to thinking, what happened this last weekend, that we finally got the Statue of Freedom back up on top of the Capitol dome. As you know, we had taken it down by helicopter to refurbish it. It had taken a lot of bruises and lightning strikes since it went up in 1863—1985. We finally got it back up.

It got me to thinking about what it represents, and what it represents is the freedom which have been protected in this Chamber over the centuries of existence. I got to thinking about those freedoms.

One of them was the freedom of speech, which is difficult for people in Congress to defend sometimes because of the passions of the moment and people's instincts which sometimes indicate we should give up the freedom of speech.

I got to thinking about the freedom of religion, which is difficult sometimes to defend because of the passion of the moment and people's instincts that suggest that freedom should be abrogated.

Then I got to thinking about another freedom that America has historically tried to preserve, and that is the freedom of trade, the freedom of people to trade with one another across political boundaries free of governmental taxation, something that the NAFTA agreement, the North American Free-Trade Agreement, is designed to preserve and protect.

This is an agreement that at its heart is designed to preserve a freedom that America has historically tried to preserve. This is a freedom that I think is in jeopardy now because of the passions and perhaps the instincts driven by those passions, that we need to protect and defend the NAFTA agreement.

Let me tell you what I mean by that in the American tradition: Throughout history, the 20th-century history, there have been two driving forces in international economics. One is what I believe is the narrow-minded, shortsighted passion and instincts of protectionism. The other is the farsighted and, I believe, reasonable approach of free trade.

America historically has been the protector, the defender, the advocate for free trade internationally. But there was a time when we shirked that duty and that responsibility. We did that in the early 1930's. Those of us who may have lived through that time know what happened. We adopted, the people in this House voted for the instinct and the passion of the moment, and they adopted the Smoot-Hawley Tariff Protection Act designed to protect American workers, protect American jobs; "don't let our jobs go overseas." The same arguments that we have heard in the last few months in this Chamber were heard in the 1930's, that if we only adopted the Smoot-Hawley Act, we would preserve and protect American jobs.

What happened? We got the Depression, we got the loss of American jobs, because for the moment the people in this Chamber broke down and followed the herd instinct and passion of a shortsighted policy. Heaven help us if we adopt that instinct right now.

Let me tell you why I think that instinct is wrong and let me tell you why I think instinct can be wrong.

I was talking to another Member the other day, and he told me he believed NAFTA was going to create more jobs in this country; it was going to open up new markets in Mexico; it was going to give us an advantage in Mexico against Japan because we would have a free market in Mexico; and Japan would not be able to sell their products there. We would have a free market in Mexico and Germany would be shut out.

He told me he knew in his heart that this was going to be good for America because it helped create jobs. But he said that the instinct of some folks in his district was that it would cost jobs. Parenthetically I note instinct, you know—the hippopotamus has a good instinct, the zebra has good instinct, the ostrich has an instinct, and this leads to it sticking its head in the ground and trying to hide from problems.

For us, our responsibility in this Chamber is to exercise the common sense that says we should pass NAFTA. And I will tell you why. It is very, very simple.

What this Member told me he understood, and he told me he was still trying to decide whether he was going to vote for this, but what he understood was that Mexico has a 10 percent average tax on American workers. Mr. Speaker, most Americans do not know that. The Mexican Government imposes a 10-percent tax, a tariff on everything Americans make and ship to Mexico. It is a 10-foot-high wall we have to jump over in order to create a job in our country to ship to Mexico.

We only have a lousy 4-percent tariff in return. This is basically unfair to American workers. We have the short end of the stick, and common sense tells me, and told that Member, common sense is that if we knock down that trade barrier we even the playing field. We get rid of this unfair Mexican tax on our people that I represent, and we are going to be better off. We are simply going to be better off.

But having concluded that, the issue remains, can we come up with a better NAFTA? Can we come up with a better NAFTA that would force the things that we love, the freedoms that we enjoy now on Mexico, to force them to accept some of the things all of us would like them to have, better environmental protection, better protection for workers.

President Clinton, to his credit, has negotiated for the first time ever protection for people overseas, two side bar agreements, one which gives us a

lever to force Mexico to abide by their own environmental regulations, the second a lever to force them to abide by their own labor regulations on minimum wage laws and child labor standard laws. We have never had that kind of lever in Mexico before.

But nonetheless, I have to tell the people that I represent that if I was the czar, if we abandoned democracy and I ran Mexico, the United States and Canada, I would have a different collective bargaining system in Mexico that was better and that was like ours.

But the question people ask is, why can we not do a better one? I asked someone who is very familiar with Mexican politics and he gave me the answer why. What he explained to me is that you have to look at the relationship between Mexico and America historically. Historically Mexican politicians got elected by bashing Yankee Imperialism. They got elected by saying, "Let's have protectionism. Let's throw up walls against American imports to protect Mexican jobs," and for 50, 60, 70 years they got elected doing that. For that reason, Mexico had high walls to keep our exports away from the Mexican workers; but in the last few years a new voice has emerged in Mexico. That voice has said, "Let's break with the past. Let's break with protection. Let's break with that old feudal system. Let's move towards the democratic tradition."

That is fairly bold in Mexican politics.

This person explained to me that if we reject NAFTA, this is what is going to happen. The people in Mexico are going to say, "You see what happens when you trust the Yankees? You see what happens when we reach an agreement with them to lower trade barriers? It doesn't work."

The forces in Mexico will emerge who believe in protectionism, who believe in segregating themselves from America, who believe in having less to do with America than more, who believe in the old style of Mexican politics.

History, Mr. Speaker, does not always go forward. It can go backwards. A rejection of NAFTA at this time means that the Mexican Democratic Congress that has been made in the last 6 years will go backward. NAFTA may be renegotiated, as I asked someone in Mexico sometime ago, but it will be in about 50 years.

We need to seize the moment right now where progress in Mexico has been made, where we can honor that progress and realize there is more progress to be made and recognize something that I think we have forgotten in America. When we mix with people, when we have a relationship with them, Americans rub off on other people. We have rubbed off on Russia. We have rubbed off on a lot of countries.

When they get exposed to us, our democracy is catching. It is a virus that

no one has been able to stop unless we stop it ourselves.

Let us give Mexico the virus of democracy. Let us mix up with them. Let us trade with them.

I am convinced that when we pass NAFTA, we are going to do just that. We are going to do what is happening on the border where the opposition party has won races along the border because we trade with them along the border.

Mr. Speaker, I believe very strongly we are going to protect American jobs by passing NAFTA. If we refuse and kill NAFTA, we are going to cost American jobs.

In my district, my neighbors sell products to Mexico right now because we have lowered trade barriers. Those trade barriers are going to go back up if we reject NAFTA.

Let us strike a vote for more democracy. Let us strike a vote for more jobs. Let us strike a vote for keeping the jobs we have in this country, Mr. Speaker. Let us pass NAFTA and continue the American tradition of free trade and all the other freedoms we have always protected.

RECESS

The SPEAKER pro tempore (Mr. ANDREWS of Maine). The House is now awaiting action on the continuing resolution.

Pursuant to clause 12, rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 4 o'clock and 45 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1822

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 6 o'clock and 22 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment a joint resolution of the House of the following title.

H.J. Res. 283. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CLINGER (at the request of Mr. MICHEL), for today, on account of attending a funeral.

Mr. ROYCE (at the request of Mr. MICHEL), for today, on account of illness.

Mr. ROMERO-BARCELÓ (at the request of Mr. GEPHARDT), for today and the

balance of the week, on account of official business.

Mr. McNULTY (at the request of Mr. GEPHARDT), for today after 2 p.m.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. KOLBE), to revise and extend his remarks and include extraneous material:)

Mr. SCHIFF, for 60 minutes, today.

(The following Members (at the request of Mr. SANDERS) to revise and extend their remarks and include extraneous material:)

Mr. FORD of Michigan, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. UNDERWOOD, for 30 minutes, today.

Mr. LIPINSKI, for 60 minutes, each day, on November 10 and 15.

Mr. POSHARD, for 60 minutes, each day, on November 10 and 15.

Mr. SWETT, for 60 minutes, each day, on November 3 and 4.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BONIOR, and to include therein extraneous material, notwithstanding the fact that it exceeds 2 pages of the RECORD and is estimated by the Public Printer to cost \$45,090.

(The following Members (at the request of Mr. KOLBE) and to include extraneous matter:)

Mr. CRANE in two instances.

Mr. ROTH.

Mr. GOODLING.

Mr. FIELDS of Texas.

Mrs. JOHNSON of Connecticut.

Mr. LEWIS of California.

Mr. WOLF of Virginia.

Mr. BATEMAN.

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Ms. ROYBAL-ALLARD.

Mr. BONIOR in four instances.

Mr. CARDIN.

Mr. SYNAR.

Ms. LONG in two instances.

Mr. PETERSON of Florida.

Mr. HOAGLAND.

Mr. FINGERHUT.

Mr. PAYNE of New Jersey.

(The following Members (at the request of Mr. INSLEE) and to include extraneous matter:)

Mr. MFUME.

Mr. GEPHARDT.

Mr. NEAL of Massachusetts.

Ms. ESHOO.

Mr. WAXMAN.

Mrs. SCHROEDER.

Mr. GILLMOR.

Mr. SOLOMON.
Mrs. MORELLA.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

Mr. ROSE, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 927. An act to designate the Pittsburgh Aviary in Pittsburgh, PA, as the National Aviary in Pittsburgh;

H.R. 2445. An act making appropriations for energy and water development for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2492. An act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1994, and for other purposes;

H.R. 2824. An act to modify the project for flood control, James River Basin, Richmond, VA; and

H.J. Res. 283. Joint resolution making further continuing appropriations for the fiscal year 1994, and for other purposes.

ADJOURNMENT

Mr. ANDREWS of Maine. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 23 minutes p.m.) under its previous order, the House adjourned until Monday, November 1, 1993, at noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2064. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving United States exports to the Republic of Korea, pursuant to U.S.C. 635(b)(3)(1); to the Committee on Banking, Finance and Urban Affairs.

2065. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 10-118, "John A. Wilson Designation Act of 1993," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on the District of Columbia.

2066. A letter from the Secretary of Education, transmitting final regulations for the Jacob K. Javits Fellowship Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Education and Labor.

2067. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the progress of implementing the Breast and Cervical Cancer Mortality Prevention Act of 1990, pursuant to Public Law 101-354, section 2 (104 Stat. 415); to the Committee on Energy and Commerce.

2068. A letter from the Administrator, Environmental Protection Agency, transmitting a report on methane emissions associ-

ated with natural gas extraction, transportation, distribution, storage, and use, pursuant to Public Law 101-549, section 603(b)(1) (104 Stat. 2670); to the Committee on Energy and Commerce.

2069. A letter from the Administrator, Environmental Protection Agency, transmitting a report on methane emissions from countries other than the United States, pursuant to Public Law 101-549, section 603(c)(1) (104 Stat. 2671); to the Committee on Energy and Commerce.

2070. A letter from the Acting Director, Defense Security Assistance Agency, transmitting, notification of the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Germany for defense articles and services (Transmittal No. 94-01), pursuant to 22 U.S.C. 2776(b); to the Committee on Foreign Affairs.

2071. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 93-43: Presidential Waiver Furnishing Assistance to the United Nations to Support the Reestablishment of Police Forces in Somalia, pursuant to 22 U.S.C. 2348a(c)(2) and 2364(a)(1); to the Committee on Foreign Affairs.

2072. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by Sandra L. Vogelesang of Ohio, to be Ambassador to the Kingdom of Nepal, and members of her family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2073. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the report of political contributions by M. Larry Lawrence of California, to be Ambassador to Switzerland, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

2074. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of discretionary new budget authority and outlays for the current year (if any) and the budget year provided by H.R. 2446, H.R. 2493, and H.R. 2518, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-578); to the Committee on Government Operations.

2075. A letter from the Deputy Executive Director, Office of Navajo and Hopi Indian Relocation, transmitting the fiscal year 1993 annual report as required by the Inspector General Act Amendments of 1988, pursuant to Public Law 95-452, section 5(b) (102 Stat. 2526); to the Committee on Government Operations.

2076. A letter from the Executive Director, National Commission on Libraries and Information Science, transmitting the annual report under the Federal Managers' Financial Integrity Act for fiscal year 1993, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1257. A bill to reconstitute the Federal Insurance Administration as an independent agency within the executive branch, provide for minimum standards applicable to foreign insurers and reinsurers providing insurance in the United States,

make liquidity assistance available to well-capitalized insurance companies, and provide for public access to information regarding the availability of insurance, and for other purposes; with amendments (Rept. 103-302, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. House Resolution 289. Resolution providing for consideration of the bill (H.R. 2151) to amend the Merchant Marine Act, 1936, to establish the Maritime Security Fleet Program, and for other purposes (Rept. 103-311). Referred to the House Calendar.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3340. A bill to amend title 38, United States Code, to provide a cost-of-living adjustment in the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of such veterans, and for other purposes; with amendments (Rept. 103-312). Referred to the Committee of the Whole House on the State of the Union.

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 3341. A bill to amend title 38, United States Code, to increase the rate of special pension payable to persons who have received the Congressional Medal of Honor (Rept. 103-313). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FORD of Michigan (for himself and Mr. ROSTENKOWSKI) (both by request):

H.R. 3396. A bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of 1986 to provide security for workers, to improve pension plan funding, to limit growth in insurance exposure, to protect the single-employer plan termination insurance program, and for other purposes; jointly, to the Committees on Education and Labor and Ways and Means.

By Mr. ANDREWS of New Jersey (for himself, Mr. HOYER, and Mr. WELDON):

H.R. 3397. A bill to direct the President to establish a Commission for making recommendations to improve the Federal emergency management system; jointly, to the Committees on Public Works and Transportation and Armed Services.

By Mr. BARRETT of Wisconsin (for himself and Mr. SCHUMER):

H.R. 3398. A bill to amend title 18, United States Code, to regulate the manufacture, importation, and sale of certain particularly dangerous bullets; to the Committee on the Judiciary.

By Mr. BORSKI:

H.R. 3399. A bill to improve the ability of the Federal Government to prepare for and respond to major disasters, and for other purposes; jointly, to the Committees on Public Works and Transportation and Armed Services.

By Mr. GEPHARDT:

H.R. 3400. A bill to provide a more effective, efficient, and responsive government; referred to the following committees for a period ending not later than November 15, 1993: Agriculture, Armed Services, Banking, Finance and Urban Affairs, Education and

Labor, Energy and Commerce, Foreign Affairs, Government Operations, House Administration, the Judiciary, Merchant Marine and Fisheries, Natural Resources, Intelligence (Permanent Select), Post Office and Civil Service, Public Works and Transportation, Science, Space, and Technology, Veterans' Affairs, and Ways and Means.

By Mr. COYNE:

H.R. 3401. A bill to amend section 105(a)(8) of the Housing and Community Development Act of 1974 to increase the percentage limitation on the amount of community development block grant assistance that may be expended for public services activities; to the Committee on Banking, Finance and Urban Affairs.

By Mr. FIELDS of Texas:

H.R. 3402. A bill to establish a foundation darter captive propagation research program; to the Committee on Merchant Marine and Fisheries.

By Mr. GOODLING (for himself, Mr. GUNDERSON, and Mr. CASTLE):

H.R. 3403. A bill to appoint a Director of Educational Technology in the Department of Education and provide grants to States to improve the incorporation of technology in education; to the Committee on Education and Labor.

By Mr. GUTIERREZ (for himself, Mr. McDERMOTT, Mr. ACKERMAN, and Mr. KENNEDY):

H.R. 3404. A bill to amend the Elementary and Secondary Education Act of 1965 to require the Secretary of Education to provide demonstration grants to local educational agencies for the purpose of providing instruction and training in cardiopulmonary resuscitation and first aid to secondary school students; to the Committee on Education and Labor.

By Mr. HAMILTON (for himself, Mr. GILMAN, Mr. LANTOS, Mr. BEREUTER, Mr. GEJDENSON, Mr. JOHNSTON of Florida, and Mr. DELLUMS):

H.R. 3405. A bill to establish a standing consultative group within the Congress to facilitate consultations between the Congress and the executive branch with respect to the use of U.S. military force abroad; to the Committee on Rules.

By Mr. HOAGLAND:

H.R. 3406. A bill to amend title 18, United States Code, to clarify the scope of the Gun-Free School Zones Act of 1990 and to prohibit the possession of a handgun or handgun ammunition by, or the private transfer of a handgun or handgun ammunition to, a juvenile; to the Committee on the Judiciary.

By Mr. HOAGLAND (for himself, Mrs. JOHNSON of Connecticut, Mr. LEWIS of Georgia, Mr. CRANE, Mr. MPUME, Mr. SANTORUM, and Mr. KOPETSKI):

H.R. 3407. A bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home; to the Committee on Ways and Means.

By Mr. JEFFERSON (for himself, Mr. FIELDS of Louisiana, Mr. HAYES, Mr. LIVINGSTON, and Mr. TAUZIN):

H.R. 3408. A bill to establish the New Orleans Jazz National Historical Park in the State of Louisiana, and for other purposes; to the Committee on Natural Resources.

By Ms. LONG (for herself, Mr. BARCA of Wisconsin, and Mr. JACOBS):

H.R. 3409. A bill to amend the Social Security Act to exclude the unemployment trust fund from the budget of the U.S. Government; jointly, to the Committees on Ways and Means, Government Operations, and Rules.

By Mr. OBEY:

H.R. 3410. A bill to amend the Dairy Production Stabilization Act of 1983 to ensure that all persons who benefit from the dairy promotion and research program contribute to the cost of the program, to terminate the program on December 31, 1996, and to prohibit bloc voting by cooperative associations of milk producers in connection with the program, and for other purposes; to the Committee on Agriculture.

H.R. 3411. A bill to amend the Dairy Production Stabilization Act of 1983 to require that members of the National Dairy Promotion and Research Board be elected by milk producers and to prohibit bloc voting by cooperative associations of milk producers in the election of the producers, and for other purposes; to the Committee on Agriculture.

By Mr. ROTH (for himself and Mr. OBERSTAR):

H.R. 3412. A bill to provide fundamental reform of the system and authority to regulate commercial exports, to enhance the effectiveness of export controls, to strengthen multilateral export control regimes, and to improve the efficiency of export regulation; jointly, to the Committees on Foreign Affairs, Ways and Means, and Rules.

By Mr. SANTORUM (for himself, Mr. KASICH, Mr. JACOBS, Mr. LEWIS of Florida, Mr. BUNNING, Mr. CAMP, Mr. HANCOCK, Mr. ZIMMER, Mr. GALLEGLY, Mr. ARMEY, Mr. HUNTER, Mr. DELAY, Mr. STUMP, Mr. TAYLOR of North Carolina, Mr. HASTERT, Mr. FIELDS of Texas, Mr. BOEHNER, Mrs. JOHNSON of Connecticut, Mr. PORTER, Mr. ROBERTS, Mr. BAKER of Louisiana, and Mr. SENSENBRENNER):

H.R. 3413. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to a medical savings account, and for other purposes; jointly, to the Committees on Ways and Means and Energy and Commerce.

By Mr. SAXTON:

H.R. 3414. A bill to amend title 39, United States Code, to grant State governments the discretion to assign mailing addresses to sites within their jurisdiction; to the Committee on Post Office and Civil Service.

By Ms. VELÁZQUEZ (for herself, Mrs. MINK, Ms. SLAUGHTER, Mr. FILNER, Mrs. MEEK, Ms. MCKINNEY, Mrs. MORELLA, Ms. WATERS, Ms. NORTON, Mr. McDERMOTT, Mrs. UNSOELD, Mr. RANGEL, Mr. GUTIERREZ, Mr. TOWNS, Ms. ROYBAL-ALLARD, Mr. MILLER of California, Ms. KAPTUR, Mr. SERRANO, Ms. FURSE, Mr. BISHOP, Mrs. SCHROEDER, Mr. MFUME, Mr. BECERRA, Ms. ENGLISH of Arizona, Mr. RICHARDSON, Ms. WOOLSEY, Mr. ROMERO-BARCELÓ, and Miss COLLINS of Michigan):

H.R. 3415. A bill to amend the Family Violence Prevention and Services Act to require services for underserved populations, to require performance reporting by grantees, and to provide for the selection of model programs for education of young people about domestic violence and violence among intimate partners; to the Committee on Education and Labor.

By Mr. WOLF (for himself and Mr. BILEY):

H.R. 3416. A bill to establish a commission to consider the closing and relocation of the Lorton Correctional Complex; jointly, to the Committees on the District of Columbia and the Judiciary.

By Mr. ALLARD:

H.R. 3417. A bill to provide for a voluntary national insurance program to protect the

owners of domesticated cervidae against losses incurred as result of destroying animals or herds infected with, or exposed to, tuberculosis; to the Committee on Agriculture.

By Mr. VALENTINE (for himself, Mr. LEWIS of Florida, Mr. FRANKS of New Jersey, and Mr. MEEHAN):

H.J. Res. 285. Joint resolution to designate the week beginning March 13, 1994, as "National Manufacturing Week"; to the Committee on Post Office and Civil Service.

By Mr. JOHNSON of South Dakota (for himself, Mr. WILLIAMS, Mr. ROSE, Mr. SARPALIUS, Mr. COMBEST, Mr. EMERSON, Mr. ALLARD, Mr. MINGE, Mr. LAROCO, Mr. SLATTERY, Mr. GLICKMAN, Mr. ENGLISH of Oklahoma, Mr. INSLEE, and Mr. POMEROY):

H. Con. Res. 172. Concurrent resolution to recognize the importance of promoting fair trade in wheat; to the Committee on Ways and Means.

By Mr. COOPER:

H. Res. 290. Resolution providing that the House may not adjourn to end this session of Congress until it receives the report of the Joint Committee on the Organization of the Congress and votes upon its recommendations; to the Committee on Rules.

By Mr. DOOLITTLE:

H. Res. 291. Resolution expressing the sense of the House of Representatives that a Presidential Commission should be established to investigate whether there has been any measurable depletion of stratospheric ozone beyond that caused by natural phenomena, whether it has been proven that the use of chlorofluorocarbons damages stratospheric ozone, and whether the phaseout of chlorofluorocarbons will have any effect on stratospheric ozone; to the Committee on Energy and Commerce.

MEMORIALS

Under clause 4 of rule XXII,

264. The SPEAKER presented a memorial of the House of Representatives of the State of Illinois, relative to designating the cemetery at Fort Sheridan a national cemetery for use by all veterans; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

By Ms. BYRNE:

H.R. 3418. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade of the United States for the vessel *Sea Mistress*; which was referred to the Committee on Merchant Marine and Fisheries.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 3: Mr. JOHNSTON of Florida.

H.R. 68: Ms. BROWN of Florida.

H.R. 291: Mr. PARKER, Mr. SAXTON, Mr. OXLEY, Ms. LOWEY, Mr. WISE, Mr. REGULA, Mr. PALLONE, and Mr. BONIOR.

H.R. 302: Mr. GALLEGLY.

H.R. 303: Ms. PRYCE of Ohio and Ms. BROWN of Florida.

H.R. 322: Mr. NADLER and Mr. McDERMOTT.

- H.R. 349: Mr. MARTINEZ and Mr. COSTELLO.
 H.R. 462: Mr. CALVERT.
 H.R. 466: Mr. GALLO and Mr. SENSENBRENNER.
 H.R. 558: Mr. KREIDLER.
 H.R. 702: Mr. NEAL of North Carolina, Ms. MOLINARI, Mr. BAKER of California, Mr. EDWARDS of Texas, Mr. SPENCE, Mr. PARKER, Mr. BAKER of Louisiana, and Mr. WILLIAMS.
 H.R. 828: Mr. HALL of Ohio.
 H.R. 830: Ms. FURSE and Mr. ROWLAND.
 H.R. 894: Mr. GUNDERSON.
 H.R. 1168: Mr. FIELDS of Texas.
 H.R. 1212: Mr. UNDERWOOD and Mr. WILSON.
 H.R. 1295: Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. KOLBE, Mr. MICA, Mr. FAWELL, Mr. FISH, Mr. UPTON, Mr. KASICH, Mr. LEACH, Ms. BROWN of Florida, Mrs. LLOYD, Mr. PALLONE, and Mrs. CLAYTON.
 H.R. 1442: Ms. BROWN of Florida.
 H.R. 1938: Mr. BLUTE.
 H.R. 1952: Mr. BROWN of Ohio, Mr. CONYERS, Ms. FURSE, Mr. HUGHES, Mrs. LLOYD, Mr. MCCURDY, and Mr. FARR.
 H.R. 2012: Mr. McNULTY, Mr. NEAL of North Carolina, Mr. WILSON, Mr. BATEMAN, and Mr. McDERMOTT.
 H.R. 2042: Mr. SMITH of Oregon and Mr. BEREUTER.
 H.R. 2066: Ms. SLAUGHTER.
 H.R. 2109: Mr. SCOTT, Mr. FROST, Mr. THOMPSON, Mr. SHAYS, Mr. WYNN, Mr. LEWIS of Florida, and Mrs. MEEK.
 H.R. 2154: Mr. ENGLISH of Oklahoma.
 H.R. 2227: Mr. JACOBS, Mrs. MALONEY, and Mr. LIPINSKI.
 H.R. 2250: Ms. ESHOO and Mr. FROST.
 H.R. 2308: Ms. BYRNE, Mrs. UNSOELD, Mrs. MINK, Mrs. MORELLA, Mrs. LLOYD, and Mrs. CLAYTON.
 H.R. 2394: Ms. BYRNE, Mr. NEAL of North Carolina, Mr. LAZIO, Mr. REGULA, Mr. SAWYER, and Mr. EVANS.
 H.R. 2395: Ms. BYRNE, Mr. NEAL of North Carolina, Mr. LAZIO, Mr. REGULA, Mr. SAWYER, and Mr. EVANS.
 H.R. 2444: Mr. TORKILDSEN.
 H.R. 2556: Mr. WALSH.
 H.R. 2591: Mr. FISH, Ms. NORTON, and Mr. SYNAR.
 H.R. 2602: Mr. TAYLOR of Mississippi.
 H.R. 2787: Mr. TUCKER and Mr. MARTINEZ.
 H.R. 2803: Mr. BACCHUS of Florida, Mr. DICKS, Mr. ACKERMAN, Mr. ENGEL, and Mr. MANTON.
 H.R. 2826: Mrs. LOWEY, Mr. GEKAS, Mr. FRANK of Massachusetts, Mr. DELLUMS, Mrs. MALONEY, Mr. FAZIO, Mr. HOKE, Mr. MANTON, Mr. BILIRAKIS, Mr. McNULTY, Ms. SNOWE, Mr. NEAL of North Carolina, Mr. MACTHLEY, Mr. ANDREWS of New Jersey, Mr. GILMAN, Mr. GILCHRIST, Mr. LIPINSKI, Mr. HUGHES, Mr. TORRICELLI, Mr. KNOLLENBERG, Mr. HASTINGS, Mr. PALLONE, Mr. HUTTO, Mrs. BENTLEY, Mr. VISCIOSKY, Mr. CLAY, Mr. STUPAK, Mr. MENENDEZ, and Mr. PENNY.
 H.R. 2884: Mr. FORD of Tennessee.
 H.R. 2921: Mr. DELLUMS.
 H.R. 2957: Mr. COLLINS of Georgia, Mr. MCKEON, and Mr. KING.
 H.R. 2983: Mr. FRANK of Massachusetts.
 H.R. 3030: Mr. BALLENGER.
 H.R. 3041: Mr. NEAL of North Carolina.
 H.R. 3080: Mr. SCHIFF.
 H.R. 3087: Mr. RAMSTAD and Mr. PICKETT.
 H.R. 3146: Mr. TALENT.
 H.R. 3183: Mr. WELDON.
 H.R. 3203: Mr. HINCHEY and Mr. EVANS.
 H.R. 3224: Mr. BEILENSON, Mr. CALVERT, Mr. MCKEON, Mr. ROHRBACHER, Mr. WELDON, Mr. MOORHEAD, and Mr. DOOLITTLE.
 H.R. 3234: Mr. KLEIN and Ms. VELÁZQUEZ.
 H.R. 3261: Mr. DOOLITTLE, Mr. BAKER of California, and Mr. BARLOW.
 H.R. 3266: Mr. ARMEY, Mr. BACHUS of Alabama, Mr. BAKER of Louisiana, Mr. BAKER of California, Mr. BARTLETT of Maryland, Mr. BILIRAKIS, Mr. BLUTE, Mr. BOEHRNER, Mr. BONILLA, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CANADY, Mr. CASTLE, Mr. COLLINS of Georgia, Mr. COMBEST, Mr. CRANE, Mr. CRAPO, Mr. DUNCAN, Ms. DUNN, Mr. EMERSON, Mr. EVERETT, Mr. EWING, Mr. FAWELL, Mrs. FOWLER, Mr. FRANKS of Connecticut, Mr. FRANKS of New Jersey, Mr. GOODLATTE, Mr. GOSS, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HEFLEY, Mr. HERGER, Mr. HOEKSTRA, Mr. HORN, Mr. HOUGHTON, Mr. HUFFINGTON, Mr. HUTCHINSON, Mr. INGLIS of South Carolina, Mr. INHOFE, Mr. ISTOOK, Mrs. JOHNSON of Connecticut, Mr. KIM, Mr. KING, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. LINDER, Mr. MACTHLEY, Mr. MANZULLO, Mr. MCHUGH, Mr. MCINNIS, Mr. MCKEON, Mr. MICA, Mr. MILLER of Florida, Mr. PAXON, Mr. POMBO, Mr. PORTER, Ms. PRYCE of Ohio, Mr. QUINN, Mr. RAMSTAD, Mr. RIDGE, Mr. ROYCE, Mr. SHAYS, Mr. SMITH of Michigan, Mr. STEARNS, Mr. SOLOMON, Mr. SUNDQUIST, Mr. TALENT, Mr. THOMAS of Wyoming, Mr. TORKILDSEN, Mr. ZIMMER, Mr. WELDON, Mr. HASTERT, Mr. DORNAN, Mr. BROWN of Ohio, Mr. CONDIT, Mr. DEUTSCH, Mr. DOOLEY, Mr. FINGERHUT, Mr. HOLDEN, Mrs. MALONEY, Mr. MCHALE, Mr. MURPHY, Mr. PENNY, Mr. POSHARD, Mr. ROEMER, Mr. SWETT, Mr. COOPER, and Mr. PORTMAN.
 H.R. 3283: Mr. MINGE.
 H.R. 3301: Mr. DEUTSCH, Mr. BONIOR, and Ms. PELOSI.
 H.R. 3320: Mr. WILSON.
 H.R. 3340: Ms. BROWN of Florida, Mr. RIDGE, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, Mr. PARKER, and Mr. ORTIZ.
 H.R. 3341: Ms. BROWN of Florida, Mr. RIDGE, Mr. HEFNER, Mr. RICHARDSON, Mr. STENHOLM, Mr. PAYNE of Virginia, and Mr. PARKER.
 H.R. 3348: Mr. WALSH and Mr. MANTON.
 H.R. 3365: Ms. BROWN of Florida, Mr. KLECZKA, Mr. QUINN, Mr. MARKEY, Mr. REGULA, Mr. GONZALEZ, Mr. APPELEGATE, Mr. POSHARD, and Mr. BARRETT of Wisconsin.
 H.R. 3366: Mr. JEFFERSON, Mr. CRAMER, Mr. DELLUMS, and Mrs. LLOYD.
 H.R. 3370: Miss COLLINS of Michigan.
 H.R. 3372: Mr. ROMERO-BARCELÓ, Mr. TOWNS, Mr. YOUNG of Alaska, Mrs. BENTLEY, Mr. BLACKWELL, Mr. MILLER of California, Mr. MONTGOMERY, Mrs. VUCANOVICH, Mr. TEJEDA, Mr. HOCHBRUECKNER, Ms. HARMAN, Mr. BAESLER, Mr. PETE GEREN of Texas, Mr. BECERRA, Mr. MENENDEZ, Ms. ROYBAL-AL-LARD, Mr. EDWARDS of Texas, Mr. BONIOR, Mr. DIAZ-BALART, Ms. VELÁZQUEZ, Mr. GUTIERREZ, Mr. DARDEN, Mr. MCHALE, Mr. TUCKER, Mr. HINCHEY, Mr. FARR, Mr. VENTO, Mr. ANDREWS of Maine, Mr. CAMP, and Mr. WYNN.
 H.R. 3385: Mr. GONZALEZ.
 H.R. 3389: Mr. MACTHLEY.
 H.R. 3392: Mr. SMITH of Iowa, Mr. YATES, and Mr. HOEKSTRA.
 H.J. Res. 79: Mr. DELLUMS, Mr. PETE GEREN of Texas, Mr. LIGHTFOOT, and Mrs. LLOYD.
 H.J. Res. 106: Ms. WATERS.
 H.J. Res. 113: Mr. STENHOLM, Mr. PAXON, and Mr. FIELDS of Texas.
 H.J. Res. 165: Mr. TORKILDSEN, Mr. TALENT, Mr. FIELDS of Texas, Mr. STEARNS, Mr. HALL of Texas, Mr. JACOBS, Mr. LEACH, Mr. GRANDY, Mr. BURTON of Indiana, Mr. SUNDQUIST, Mr. BUYER, Mr. MILLER of Florida, Mr. PORTMAN and Ms. PRYCE of Ohio.
 H.J. Res. 212: Mr. BROWN of California, Mr. BURTON of Indiana, Mr. HALL of Ohio, Mr. HAYES, Mr. LEACH, Mr. ROWLAND, Ms. ENGLISH of Arizona, Mr. BARTLETT of Maryland, Mr. CALLAHAN, Mr. EWING, Mr. GILLMOR, Mr. HANSEN, Mr. LEHMAN, Mr. MCCREERY, Mr. UPTON, Mr. WYDEN, Mr. EDWARDS of Texas, and Mr. CHAPMAN.
 H.J. Res. 226: Mr. RAHALL, Mr. WASHINGTON, Mr. PETERSON of Florida, Mr. GEKAS, Mrs. KENNELLY, Mr. PICKETT, Mr. BEILENSON, Mr. BLUTE, Mr. KING, Mr. BEVILL, Mr. WATT, Mr. BATEMAN, Mr. BROWN of California, Mr. DICKS, Mr. BECERRA, Mr. CRANE, Mr. CARR, Mr. OXLEY, Mr. GONZALEZ, Mr. FILNER, Mr. HAYES, Mr. LEWIS of California, Mr. DORNAN, Mr. SMITH of Texas, Mr. PAYNE of Virginia, Ms. WOOLSEY, Mr. BROOKS, Mr. HORN, Mr. SYNAR, Mr. ROYCE, Mr. NEAL of North Carolina, Mr. ENGLISH of Oklahoma, Mr. SWIFT, Mr. HANSEN, Mr. FIELDS of Texas, Mr. HOLDEN, Mr. CAMP, Mr. PETE GEREN of Texas, Mr. MCHALE, Mr. KLUG, Mr. BROWDER, Mr. GEPHARDT, Mr. HALL of Ohio, Mr. MENENDEZ, Mr. STARK, Mr. SHARP, Mr. PACKARD, Ms. DELAURO, Mr. TEJEDA, Mrs. UNSOELD, Mr. INHOFE, Mrs. COLLINS of Illinois, Ms. FURSE, Mr. ANDREWS of Texas, Mr. WHITTEN, Mr. HINCHEY, and Mr. GEJEDENSON.
 H.J. Res. 271: Mr. APPELEGATE, Mr. BACCHUS of Florida, Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARCA of Wisconsin, Mr. BECERRA, Mr. BEILENSON, Mr. BEVILL, Mr. BILBRAY, Mr. BISHOP, Mr. BLACKWELL, Mr. BONILLA, Mr. BOUCHER, Mr. BROOKS, Mr. BROWDER, Ms. BROWN of Florida, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. BRYANT, Mr. BUNNING, Mr. BURTON of Indiana, Ms. BYRNE, Ms. CANTWELL, Mr. CARR, Mr. CLAY, Mrs. CLAYTON, Mr. COLEMAN, Miss COLLINS of Michigan, Mrs. COLLINS of Illinois, Mr. COPPERSMITH, Mr. COSTELLO, Mr. COX, Mr. COYNE, Mr. CRANE, Mr. DARDEN, Mr. DEUTSCH, Mr. DIAZ-BALART, Mr. DICKS, Mr. DIXON, Mr. DOOLEY, Mr. DORNAN, Mr. DREIER, Mr. DUNCAN, Mr. EDWARDS of California, Mr. ENGEL, Mr. EVANS, Mr. FIELDS of Louisiana, Mr. FILNER, Mr. FINGERHUT, Mr. FISH, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FRANK of Massachusetts, Mr. GALLEGLY, Mr. GEJEDENSON, Mr. PETE GEREN of Texas, Mr. GILMAN, Mr. GLICKMAN, Mr. GONZALEZ, Mr. GENE GREEN of Texas, Mr. GREENWOOD, Mr. GUNDERSON, Mr. HALL of Ohio, Mr. HAMILTON, Mr. HANSEN, Mr. HASTERT, Mr. HAYES, Mr. HEFNER, Mr. HOCHBRUECKNER, Mr. HOLDEN, Mr. HORN, Mr. HOYER, Mr. HYDE, Mr. INSLEE, Mr. JACOBS, Mr. KASICH, Mrs. KENNELLY, Mr. KIM, Mr. KLINK, Mr. KOLBE, Ms. LAMBERT, Mr. LANCASTER, Mr. LAROCCO, Mr. LAUGHLIN, Mr. LEHMAN, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LIGHTFOOT, Mr. LIVINGSTON, Mrs. LOWEY, Mr. MCCLOSKEY, Mr. MCKEON, Ms. MCKINNEY, Mr. McNULTY, Mr. MANTON, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mr. MAZZOLI, Mrs. MEEK, Mr. MENENDEZ, Mrs. MEYERS of Kansas, Mr. MFUME, Mr. MOAKLEY, Mr. MONTGOMERY, Mr. MORAN, Mrs. MORELLA, Mr. MURPHY, Mr. MYERS of Indiana, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. ORTIZ, Mr. ORTON, Mr. PALLONE, Mr. PAYNE of New Jersey, Mr. PAYNE of Virginia, Mr. PETERSON of Florida, Mr. PICKLE, Mr. PORTER, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RAVENEL, Mr. REED, Mr. REYNOLDS, Mr. ROBERTS, Mr. ROEMER, Mr. ROGERS, Mr. ROHRBACHER, Mr. SANGMEISTER, Mr. SARPALIUS, Mr. SCOTT, Mr. SERRANO, Mr. SHAYS, Mr. SKELTON, Mr. SLATTERY, Mr. SMITH of New Jersey, Mr. SMITH of Iowa, Mr. SOLOMON, Mr. SPENCE, Mr. SPRATT, Mr. STARK, Mr. STENHOLM, Mr. STUDDS, Mr. SWETT, Mr. TAUZIN, Mr. TAYLOR of Mississippi, Mr. TEJEDA, Mr. TORRES, Mr. TORRICELLI, Mr. TRAFICANT, Mrs. UNSOELD, Mr. VENTO, Mr. VISCIOSKY, Mr. VOLKMER, Mr. WASHINGTON, Ms. WATERS, Mr. WATT, Mr.

