

During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 53 is an open rule providing for the consideration of H.R. 440, legislation to resolve title disputes between Plumas National Forest and landowners in Butte County, CA.

This rule provides for 1 hour of general debate divided equally between the chairman and ranking minority member of the Resources Committee, after which any Member will have the opportunity to offer an amendment to the bill under the 5-minute rule. Finally, the rule provides one motion to recommit.

Mr. Speaker, House Resolution 53 allows for the consideration of H.R. 440, legislation designed to resolve longstanding boundary issues along the Plumas National Forest. Due to inaccurate boundary surveys, a number of landowners have about 30 acres of land in dispute. This bill will permit the Secretary of Agriculture to convey all right, title, and interest of the United States regarding the affected land back to the owners.

The gentleman from California [Mr. HERGER] has crafted a piece of legislation that will effectively clear up the title disputes between the Plumas National Forest and the landowners. His legislation was approved without amendment in the Committee on Resources, and I expect that it will easily pass the House as well.

I am pleased this bill will be considered under an open rule. In the 103d Congress, those of us in the minority had ample opportunity to express our distress about the number of months that passed between bills with open rules. As we complete 2 weeks of discussion on H.R. 5 under an open rule, I am now pleased to continue the practice of full deliberation in this Chamber by calling up another open rule today.

Let me respond to those who have argued that this legislation could have simply been considered under suspension of the rules. The suspension of the rules is an effective tool, but it is a legislative shortcut which requires the House to suspend its customary procedures and does not allow for amendments to be offered on the House floor.

Until the 94th Congress, motions to suspend were only in order on the first and third Monday of each month. As we all know, subsequent changes now allow motions to suspend on every single Monday and Tuesday. I worry that the abuse of this process gives the impression that the legislation in question has not undergone complete and open deliberation in the House.

While I admit that the suspension of the rules is an effective procedure to expedite legislation, I believe that the process of open rules and open debate will better restore the faith of the American people in this House. Therefore, the new majority of this House will remain steadfast in its efforts to

transform the way Congress carries out its business and make every effort to engender open debate for all Members on the House floor.

Mr. Speaker, H.R. 440 was favorably reported out of the Committee on Resources by voice vote, as was the rule by the Rules Committee. I urge my colleagues to support this rule, and continue the spirit of openness and internal reform that has returned free and deliberative debate to its traditional role in this Chamber.

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

Mr. BEILENSEN. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman from Georgia for yielding the customary 30 minutes of debate time to me.

Mr. Speaker, my colleague, Mr. LINDER, has outlined very well the terms of the resolution. This is an open rule. I support the rule and urge my colleagues to do the same. Unfortunately, except for the unfunded mandates legislation the major pieces of legislation that have been considered on the House floor this year have had restricted rules. We would encourage the majority party to be as conscientious about providing open rules for the important pieces of legislation that we will have before us, I am sure, especially over the next couple of months.

□ 1630

In any event, Mr. Speaker, should there be any concerns at all about H.R. 440, which provides for the conveyance of about 30 acres of land in Butte County, CA, the rule does give ample opportunity for those concerns to be addressed. The bill is identical to a bill we passed last year by a voice vote under suspension of the rules.

Finally, Mr. Speaker, if I may, I would like to take this opportunity to commend the new chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], and the new chairman of the Subcommittee on National Parks, the gentleman from Utah [Mr. HANSEN], for building on the good work of the last Congress in bringing this, and several other public lands bills, to the floor as expeditiously as possible.

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

Mr. LINDER. Mr. Speaker, we, too, have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 400, THE ANAKTUVUK PASS LAND EXCHANGE AND WILDERNESS REDESIGNATION ACT OF 1995

Mr. MCINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 52 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 52

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. 400) to provide for the exchange of lands within Gates of the Arctic National Park and Preserve, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. 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 amendments 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. UPTON). The gentleman from Colorado [Mr. MCINNIS] is recognized for 1 hour.

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

Mr. MCINNIS asked and was given permission to revise and extend his remarks.)

Mr. MCINNIS. Mr. Speaker, House Resolution 52 is a very simple resolution. It is an open rule providing for 1 hour of general debate. After general debate, the bill shall be considered for amendment under the 5-minute rule. The rule provides one motion to recommit.

The open rule demonstrates that the new majority intends to honor its commitment to have a more fair and open legislative process, providing the House with an opportunity to review the bills, debate them, and yes, if necessary, to amend them.

The legislation is noncontroversial. It was reported out of the Committee on Resources by a vote of 40 to 0 and is identical to H.R. 4746, which passed in the House during the 103d Congress by voice vote. It settles a longstanding dispute between the local residents of Anaktuvuk Pass and the Park Service over the use of all terrain vehicles [ATV] for access to subsistence resources. The Park Service contended that the ATV's injured the landscape. Both sides of this issue have reached an agreement on the lands which may be

used for ATV access, and H.R. 400 will merely ratify the agreement the parties have reached. Without congressional approval, the agreement will become null and void.

Mr. Speaker, I urge my colleagues to support the rule, and the underlying legislation. I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to commend my colleagues on the other side of the aisle for bringing this bill to the floor under an open rule. I am a fan of open rules because I think the American people deserve full and fair debate on issues of importance, and issues on which there are areas of disagreement. I plan to support this rule on the floor.

However, I feel compelled to point out that at yesterday's Rules Committee hearing there appeared to be no opposition to this bill. A bill identical to this one was included in last year's omnibus public lands bill—H.R. 4746—which passed the House by voice vote on October 3, 1994. The current bill under consideration—H.R. 400—was favorably ordered reported from the Committee on Resources by a unanimous rollcall of 40 to 0 on January 18, 1995. There were also no witnesses in opposition to this bill before the Rules Committee. It would seem to me, therefore, that this bill could have been moved through the process in an expeditious way by simply suspending the rules or perhaps by asking unanimous consent.

Mr. Speaker, even though this bill is a noncontroversial one, it is nevertheless an important one for Alaska Native landowners and the people of Alaska. The bill provides for the exchange of lands within the Gates of the Arctic Park and Preserve. It also settles a longstanding and difficult dispute between the National Park Service and Alaska Native landowners over the use of all-terrain vehicles [ATV's] by the local residents of Anaktuvuk Pass.

As I indicated, we do have an open rule on this bill which I hope my colleagues will join me in supporting.

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

Mr. HALL of Ohio. I yield to the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, what concerned me a little bit is listening to the debate on the previous rule, and I have not heard the debate on this mixup when I just walked in, but I was a little bit concerned, and some of us who may have that concern, it may not amount to anything for the future. But I just want to say that my concern is that these bills, which are noncontroversial, and like, as has been said, have been utilized on the Suspension Calendar, or even by unanimous consent, because there is no controversy; but to use a rule procedure in an open rule procedure leaves some of us to concern ourselves about the future, that since there was a statement

made by the chairman of the Committee on Rules early on in this session that when we got rid of this 2-year cycle, when we looked back over the 2 years, that we would find that 70 percent of the bills were under an open rule.

Now what concerned me is that we are going to see little-bitty bills that are not of any controversial nature at all under open rules, and we can have a whole bunch of those, and then we see a very controversial bill come along that does not have an open rule, and then when we look at the average out and a percentage, the percentage is what the chairman said.

Now I am not saying that that is going to happen. I am just saying that is a concern of mine as the utilization of the rule process rather than using unanimous consent or rather than using suspensions, and only time will tell.

I do not plan to do anything today. I just want to alert the other side to my concern, and I see the chairman of the Committee on Rules is on his feet, and I would be glad to listen to him talk here, listen because that is the only concern I have. I am not here to offer any amendments or do anything like that, just to express the concern that I and, I think, several of our minority Members have as to what is going to happen in the future if we go along in this 2-year cycle.

Mr. MCINNIS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Colorado [Mr. MCINNIS] for yielding this time to me, and I could just say to my good friend from Missouri, as my colleagues know, he says, "Now I'm not saying this," and, "I'm not saying that," but it is the inference out there, and the gentleman knows that really does bother me.

But as my colleagues know, there are three reasons why these bills were scheduled, and I would just like to take a minute to tell the gentleman.

First our leadership, the Republican leadership, the gentleman from Georgia [Mr. GINGRICH], our Speaker, has committed to fewer suspensions since the process does prohibit amendments, and we all know that, and we have to keep in mind that there are, as my colleague knows, half of us here today that are new Members in the last 2 years, half of us, and those Members, if they want to offer amendments, we want to try to open up this process. We want to be as open and as fair and accountable as we possibly can.

□ 1640

We want to be open. We want to offer open rules whenever we can.

Second, to ensure that the suspension process is not abused, the leadership has erected more procedural requirements before a chairman can even

request that a bill be considered under suspension, and that is very important.

Third, there are some measures which may be even noncontroversial enough to consider by unanimous consent, not even on the suspension calendar. We have one of those. One of them was naming a building after one of the most respective Members of this body, Bob Lagomarsino. That ought to be brought up under unanimous consent, just to show we all agree. So we did not put out a rule on that. So we are being selective.

Last, we just went through a process on the unfunded mandate bill. There were 171 amendments offered in that bill. There were some stalling tactics involved, some dilatory tactics, which the gentleman knows, striking the enactment clause, moving to rise, things like that. But the House came back to its senses, there was good comity, and, because of that, we now will have a rule of the floor tomorrow morning on one of the most important issues coming before this body, the line-item veto, and it is being brought here under a completely open rule. So, Members, whether you are Republican or Democrat, conservative or liberal, you are going to be able to work your will on the floor of this House, which is very important to some Members, especially the more liberal Members perhaps, because they have concerns about it.

So let us not try to shoot down the sincerity on our part in offering these open amendments. We are going to do that as often as we possibly can. I just had to say that, Mr. Speaker.

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

Mr. Speaker, I would like to add a point. I appreciate the concern of the gentleman from Missouri. I must add since 1989, 10 natural resources bills have been killed on suspension. This is my first opportunity to get up here and present a rule like this, and I appreciate the fact that the chairman of the Committee on Rules has allocated an open rule. One, it offers protection and certainly the elements of being offered that the chairman of the committee has talked about. But it is also an opportunity for those of us who like these open rules to get an opportunity to participate in this process, to participate.

So while I appreciate the gentleman's concern, I wanted to make those points.

Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, I do not mind that, if that is the way it is going to go, not only on these types of bills, but also the controversial bills. It is not this bill and not the next bill. If you want to do open rules, I could care less, because I know there is not going to be any amendment. I am more concerned about with regard to an open rule, the gentleman says line-item veto, we are going to have all kinds of crime bills, I would like to see open

rules on those. I can add some amendments to those. I would like to see open rules on those. I can add some amendments to those. I would like to see those open rules. To me an open rule on those bills is a lot more important than an open rule on these bills. The bill of the gentleman from California [Mr. HERGER], nobody wants to touch that. It has been worked on, he has done a good job, and I think it should be passed. And I do not care if you put it under unanimous consent, or suspension, or an open rule, he is going to get his bill passed today. So I am not concerned about those. I am only concerned about the future.

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

Mr. Speaker, I certainly appreciate those comments, but I should say in closing that I have complete confidence in the chairman of the Committee on Rules and his decision on how the rules should be open.

Mr. Speaker, I urge my colleagues to support the rule.

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

Mr. MCINNIS. Mr. Speaker, I have no further requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 101, TAOS PUEBLO INDIANS OF NEW MEXICO LAND TRANSFER

Mrs. WALDHOLTZ. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 51 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 51

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. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. 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 amendments 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.

MODIFICATION OF HOUSE RESOLUTION 51
OFFERED BY MRS. WALDHOLTZ

Mrs. WALDHOLTZ. Mr. Speaker, I ask unanimous consent that the resolution be modified by the amendment I

have placed at the desk. This amendment accords the customary treatment to the committee amendment in the nature of a substitute which was intended but inadvertently omitted from the resolution from the committee.

The Clerk read as follows:

Modification of House Resolution 51 offered by Mrs. WALDHOLTZ:

On page 2, beginning on line 5, strike "Each section shall be considered as read." and insert the following: "It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read."

On page 2, line 9, insert before the last sentence of the resolution the following new sentence: "Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute."

On page 2, line 12, insert before the period at the end of the last sentence of the resolution the following: "with or without instructions".

The SPEAKER. Is there objection to the request of the gentlewoman from Utah?

Mr. FROST. Mr. Speaker, reserving the right to object, it is not my intention to object, but I would ask the gentlewoman from Utah as to what occurred in this instance. Why is the majority coming forward at this point and asking that the rule be amended?

Mrs. WALDHOLTZ. Mr. Speaker, will the gentleman yield?

Mr. FROST. I yield to the gentlewoman from Utah.

Mrs. WALDHOLTZ. Mr. Speaker, this is to correct a technical error. The language the Clerk just read as the body of this amendment was intended to be included. It was not, by inadvertence. We understand there is no objection from the minority. We want to reflect how the committee wanted this to be considered.

Mr. FROST. Mr. Speaker, further reserving the right to object, do I gather this was something that occurred within the Committee on Rules? It was not something that occurred within the committee that originated the bill, but in the production of the rule inside the Committee on Rules?

Mrs. WALDHOLTZ. That is correct.

Mr. FROST. And it was by inadvertence on the part of the staff. We understand there has been some changeover in the staff and some of these things will happen as we all get up to speed.

Mrs. WALDHOLTZ. This was done solely by inadvertence. Our attempt is to reflect accurately the actions of the committee as we consider how this rule should be considered.

Mr. FROST. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

The text of House Resolution 51, as modified, is as follows:

H. RES. 51

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. 101) to transfer a parcel of land to the Taos Pueblo Indians of New Mexico. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. The committee amendment in the nature of a substitute 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 amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 51 is the rule providing for the consideration of H.R. 101, a bill to transfer a parcel of land to the Taos Pueblo Indians of New Mexico.

This is an open rule. It provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill will be considered for amendment under the 5-minute rule. Finally, the rule provides for one motion to recommit.

This rule provides, once again, for fair, open debate.

There has been some concern among some House Members as to why these bills are not simply brought up under suspension of the rules. As the chairman of the Committee on Rules, Mr. SOLOMON, has pointed out, our leadership is committed to bring fewer bills under suspension of the rules since that procedure does not allow for amendments.

Reflecting our commitment to an open, fair process, our leadership has made it more procedurally difficult for a committee chairman to request that a bill be considered under suspension. It's simply easier for them to ask for an open rule.