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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. SHAYS].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
November 7, 1995.

I hereby designate the Honorable CHRISTOPHER SHAYS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida [Mr. CANADY] for 5 minutes.

H.R. 1833, THE PARTIAL-BIRTH ABORTION BAN ACT OF 1995

Mr. CANADY of Florida. Mr. Speaker, the National Abortion Rights Action League has called H.R. 1833, the Partial-Birth Abortion Ban Act of 1995, ''[O]ne of the most extreme, outrageous, and anti-choice measures ever to come before Congress.''

Mr. Speaker, this must come as news to the gentleman from Missouri [Mr. GEPHARDT], the gentlewoman from Arkansas [Mrs. LINCOLN], and the gentleman from Rhode Island [Mr. KENNEDY], three of the many staunchly pro-choice Members who voted for the bill.

One Member who had a 100-percent voting record with the National Abortion Rights Action League said, and I quote, ''I'm not just going to vote in such a way that I have to put my conscience on the shelf.'' He continued by stating that it ''undermines the credibility of the pro-choice movement to be defending such an indefensible procedure.''

So, how have abortion advocates mounted a defense of such an indefensible procedure? They do so by ignoring the painful reality, by denying the undeniable truth, and by twisting and distorting the well-established facts.

Abortion advocates claim that H.R. 1833 would jail doctors who perform lifesaving abortions. This statement makes me wonder whether the opponents of H.R. 1833 have even bothered to read the bill. H.R., 1833 makes specific allowances for a practitioner who reasonably believes a partial-birth abortion is necessary to save the life of a mother. No one can be prosecuted and convicted under this bill for performing a partial-birth abortion which is necessary to save the life of the mother. Anyone who has any doubt about that should take a look at the text of the bill itself.

Of course, there is not a shred of evidence to suggest that a partial-birth abortion is ever necessary to save a mother's life. In fact, the American Medical Association Council on Legislation, which includes 12 doctors, voted unanimously to recommend that the AMA board of trustees endorse H.R. 1833. The council ''felt [partial-birth abortion] was not a recognized medical technique and agreed that the procedure is basically repulsive.'' In the end, the AMA board decided to remain neutral on H.R. 1833, but it is significant that the council of 12 doctors did not recognize partial-birth abortion as a proper medical technique.

The truth is that the partial-birth abortion procedure is never necessary to protect either the life or the health of the mother. Indeed, the procedure poses significant risk to maternal health, risks such as uterine rupture and the development of cervical incompetence.

Dr. Pamela Smith, director of medical education at the department of obstetrics and gynecology at Mount Sinai Hospital in Chicago has written, and I quote, ''There are absolutely no obstetrical situations encountered in this country which require a partially-delivered human fetus to be destroyed to preserve the health of the mother. Partial-birth abortion is a technique devised by abortionists for their own convenience, ignoring the known health risk to the mother. The health status of women in this country will only be enhanced by the banning of this procedure.''

Proponents of the partial-birth abortion method have also claimed that the procedure is only used to kill babies with serious disabilities. Focusing the debate on babies with disabilities is a blatant attempt to avoid addressing the reality of this inhuman procedure.

Remember the brutal reality of what is done in partial-birth abortion. The baby is partially delivered alive, then stabbed through the skull. No baby's life should be taken in this manner, whether that baby is perfectly healthy or suffers from the most tragic of disabilities.

Further, neither Dr. Haskell nor Dr. McMahon, the two abortionists who have publicly discussed their use of this procedure, claim that this technique is used only in limited circumstances. In fact, Dr. Haskell told the American Medical News, and I quote, ''I'll be quite frank: Most of my abortions are elective in that 20- to 24-week range. Probably 20 percent are for genetic reasons and the other 80 percent are purely elective.''

Dr. McMahon claims that most of the abortions he performs are nonelective, but his definition of nonelective is extremely broad. He describes abortions performed because of a mother's youth or depression as ''nonelective.'' I do not believe that the American people support aborting babies in the second and third trimesters because the mother is young or suffers from depression.

Dr. McMahon sent me a graph which shows that even at 26 weeks of gestation, half the babies he aborted were perfectly healthy, and many of the babies he described as flawed had conditions that were compatible with long life, either with or without a disability. For example, Dr. McMahon listed nine partial-birth abortions performed because the baby had a cleft lip.

The National Abortion Federation, a group representing abortionists, has admitted that partial-birth abortions are performed for many reasons. In 1993, the National Abortion Federation counseled its members, and I quote, ''Do not apologize. This is a legal abortion procedure,'' and stated, ''There are many reasons why women have late abortions: Life endangerment, fetal indications, lack of money, health insurance.'' All of these are reasons that are advanced, and have been advanced in the past, these are not reasons that justify this terrible procedure. This procedure should be banned by the Senate.

Mr. Speaker, the supporters of partial-birth abortion seek to defend the indefensible by misrepresentations and deception. But House Members, who voted by more than two-thirds in favor of H.R. 1833, did not fall victim to the ferocious campaign of deceit waged by the supporters of partial-birth abortion. It is my hope that Members of the Senate will also see the truth and support H.R. 1833.

In the October 16 issue of the New Republic, feminist author Naomi Wolf made an observation that I think should be taken to heart by abortion advocates as the Senate considers the Partial-Birth Abortion Ban Act. Ms. Wolf wrote:

> What Norma McCorvey [the plaintiff in Roe v. Wade] wants, it seems, is for abortion-rights advocates to face, really face, what we are doing. ''Have you ever seen a second-trimester abortion?'' she asks. ''It's a baby. It's got a face and a body, and they put him in a freezer and a little container.'' Well, so it does; and so they do.

In a partial-birth abortion, a baby—who has a face and a body—is delivered, feet first, until all but the baby's head is outside the womb. The abortionist then forces blunt scissors through the base of the baby's skull creating a hole. The abortionist then inserts a suction catheter and extracts the baby's brains. Mr. Speaker, it is time for abortion advocates to admit the truth about this terrible procedure—and to stop their campaign to conceal the truth from the American people.

GOVERNMENT ATTACKS ON AMERICAN INDIANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized during morning business for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, on January 25, 1995, I and my good friends, Mr. GEORGE MILLER, Mr. BILL RICHARDSON, Mr. PAT WILLIAMS, and Mr. PETER DEFAZIO, introduced the Indian Federal Recognition Administrative Procedures Act of 1995. H.R. 671, is an effort to create an efficient and fair procedure for extending Federal recognition to Indian tribes. In my remarks at that time, I stated that introduction of the legislation was only the starting point for further discussions and debate and that I looked forward to the advice and input of colleagues, the agency, and tribes. I hope to continue to work with Chairman MCCAIN Cochairman INOUYE, and the members of the Senate Committee on Indian Affairs to craft a bill which provides a fair and timely procedure to provide Federal recognition to Indian tribes.

Mr. Speaker, the current test is not fair, nor is it administered in a timely manner. I have recounted from this floor many times the process we have put Indian tribes through. The current recognition process requires tribes to provide written records of tribal governments during periods when the U.S. Government disbanded the tribes and told them to assimilate into the larger society. Decades after we told them to stop keeping records and assimilate, now we tell them they are not Indian because they do not have written proof of tribal activities during these periods. The poor Lumbee Indians of North Carolina have been seeking recognition for over 100 years, and even though they have been Indians all that time and much longer before that, the Bureau of Indian Affairs thinks the current system of recognizing tribes is just fine as it is.

Mr. Speaker, the current system is terrible, and I intend to fix this deplorable mess. I am making every effort to see this bill become law during the 104th Congress so we can replace the current process created by administrative regulation with a system approved by elected officials.

Mr. Speaker, I also feel compelled to comment on how repugnant I find the process of having to go through any form of recognition process. The racist 50-percent blood test, the measurement of teeth and head shape is demeaning and meaningless. We need to move forward, and while we should have done so years ago, it does not mean we should not take action now.

Mr. Speaker, since January a number of occurrences have provided me with some of the discussion and input that I was looking for on the acknowledgement process. The Senate Committee on Indian Affairs held a hearing in July on S. 479, a bill very similar to H.R. 671. Nonrecognized and recognized tribes, the Bureau of Indian Affairs, Indian organizations, and experts submitted testimony on the bill and the existing recognition process. In addition, the White House has held a number of meetings with nonrecognized tribes so that they could discuss recognition with administration officials. As a direct result of those meetings, the Department of the Interior set up a task force of administration people and representatives of nonrecognized tribes to assist the Department in formulating a position on whether the recognition criteria could be improved. Further, only this month an administrative law judge, in the first challenge to a decision against recognition, has essentially reversed the Bureau of Indian Affairs. In doing so, the judge was critical of the Bureau's methodology and interpretation of their own criteria. The judge's views of the existing criteria can be considered a suggestion that the criteria could be improved.

Mr. Speaker, I have reviewed all of those developments and taken into account the views of the interested parties. As a result, I have modified H.R. 671 to improve both the procedures and the criteria that were in the original bill. The modifications will advance the goals of recognition reform legislation—providing a more objective, consistent, and streamlined standard for acknowledging groups as federally recognized Indian tribes.

Mr. Speaker, I have made the following changes to H.R. 671. The procedures under which the independent commission would hear and decide petitions for recognition have been slightly modified. Provisions that would have excluded groups from petitioning for recognition or continuing to seek recognition have been removed. Most importantly, the criteria for recognition have been improved. The improvements take into account the almost unanimous view of the experts and affected tribes that the criteria used in the existing administrative process, which were carried into H.R. 671, do not really test whether a group should be recognized or not and that it is only through these changes that we will enact a process that is both fair and able to resolve the recognition issue in the time frame anticipated.

Mr. Speaker, the changes I have outlined this afternoon and which will be incorporated into legislation I am introducing today are important because there are 545 Indian nations within our country, plus scores of tribes seeking recognition, all of which will be affected in one way or another by this legislation.

Mr. Speaker, I also want to take a few minutes to speak out in opposition to the proposed tax on Indian gaming.

The history of how this Nation has treated the American Indians is deplorable. We have taken their lands again and again, and we have negotiated treaties and reneged those same treaties again and again. I thought those times had passed, but even as I speak, the assault continues.

Last month the House adopted a tax on Indian gaming as part of its budget reconciliation bill. For the first time