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

the Congress is considering taxing other governmental entities on income which is used for governmental purposes such as building roads, hospitals, medical clinics, and providing education to children. My analysis of why this tax of up to 35 percent of net revenue is being considered only on Indian tribes, and not on the gaming activities of State and local governments, lead me to the conclusion that our new majority believes they can use the Indians yet again as a political punching bag to beat up on and take advantage of. Why is it that the party which comes to this well everyday to decry the ''tax and spend Democrats'' is so anxious to raise a new tax, but only on American Indians?

I was not surprised when the Washington Post published an editorial in opposition to this proposed tax, but today even the Washington Times editorialized against the idea. When this action is considered in the context of the 11-percent cut in funding for the Bureau of Indian Affairs contained in the Interior appropriations conference report we will consider later today, it is clear that the assault on America's favorite whipping boy has resumed. This action is especially hard to accept when money which could be used to provide educational opportunities to the poor, the same problem our Speaker spoke so forcefully in favor of last week, will be used to give tax breaks to those making up to $200,000 per year.

Mr. Speaker, this is not the course we should be taking, and I urge my colleagues to vote against these attacks on the American Indians.

Mr. Speaker, I also urge my colleagues to provide a better procedural format so that Indians could be recognized. Mr. Speaker, we have 545, to my last reading, sovereign Indian tribes as part of our Nation's heritage. Yet, after these processes over the years, our first policy was let us kill off the Indians, then let us assimilate and make them part of the American society; and then after that, no, let us terminate them. Now, Mr. Speaker, we are going through the process of let us recognize them again.

Mr. Speaker, it is time we make these changes to better the needs of the first Americans.

Mr. Speaker, I submit the following editorial for the RECORD:

[From the Washington Times, Nov. 7, 1995]

TAXING THE TRIBES

Given all the hype about gambling on Indian reservations, it's Foxwoods—the wildly successful casino complex run by the Pequot tribe in Connecticut—that probably comes to mind when the subject comes up.

But Foxwoods is not representative of all tribal gaming efforts. Most reservations are in remote locations, far from the sort of densely populated cities that provide customers for the Pequots; without the same volume of business enjoyed by the Pequots, most tribes' casinos struggle to produce modest revenues. Even so, conferees on the budget reconciliation bill will be deciding whether to impose a new federal tax on those gaming revenues, a tax that will range from 15 percent to 35 percent of casino income. The Republican Congress should not be in the business of instituting new taxes: The Indian gaming tax should be discarded in conference.

House tax writers seem to have fixed on tribal gaming as a convenient source of revenue for the federal Treasury. In political terms it is understandable: At least at Foxwoods and a few other well-placed Native American casinos, there is a lot of money being generated; and Indians are not a potent voting bloc. In other, substantial cash can be had without generating substantial constituent backlash. But in constitutional terms, the tax is dubious at best.

The way the tax is written, tribal governments are treated as non-profit organizations, and the gaming revenues are treated as ''unrelated business income.'' It must be news to the tribes that they are mere charities, rather than sovereign governmental entities. On reservations, tribal authorities are the local governments, both in fact and in well-established law. Yet the House would treat these recognized governments differently than every other non-federal governmental entity: That is, there is no proposal to tax the gaming revenues produced by state-sponsored gambling.

Tribal governments have been struggling for decades to develop businesses and enterprise on reservations, often with little luck. Conditions are bleak enough on many reservations that alcoholism is high and life expectancy is low. Gambling may not be an economic panacea, but the casino business has helped provide an economic base that many tribes have used for building prosperous communities with diverse industries. When tribal governments use gaming revenues to build housing and infrastructure and employment, they are engaged in legitimate governmental activities, not unlike states that use their lottery proceeds for road construction, prison building or education.

The more that tribes are able to build thriving economies in their own territories, the less they will be dependent on funding from Washington. This is not just an issue of whether in the long run the balance sheet will be positive or negative with new Indian gaming taxes, it is an issue of paternalism. Even if Washington were to return to the tribes, in the form of aid, all the money it takes away in taxes—frankly, an unlikely prospect—the problem would remain that the federal government would be hindering Indian self-sufficiency.

Most tribes engaged in federally approved gaming already pay taxes of benefits of one sort or another to the states in which their reservations are located. Foxwoods, for instance, pays the state of Connecticut some $200 million. To add a federal tax to that burden, especially when the state's competing lottery games are not taxed, is simply unfair. The Senate version of the spending bill does not call for the new tax on the tribes. If for no better reason than that Republicans should not be in the business of increasing anybody's taxes, conferees should stick with the version and jettison the House tax on Indian gaming.

A DARK DAY FOR WOMEN ON CAPITOL HILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I thank the Speaker for recognition, and I rise to say this is really a very dark day for women in this Capitol, because is appears that what we did with such rush in this House last week is going to be rushed through the Senate even faster; that they are going to move expeditiously to outlaw a certain procedure and criminalize doctors that to it for late-term abortions, without having any hearings.

Mr. Speaker, in this House we acted on a 2-hour hearing where only one of the two panels was able to participate. The doctor who was accused was not able to come, and may other things; with drawings that have been discredited. Now, they seem to be actively moving to only compound the error.

Mr. Speaker, I must say no matter what anyone's position on abortion is, I feel these are ones that if you sat down and gave the life stories and the circumstances around them, almost every family, almost every grandmother in America would feel that the woman and her family had the right to that kind of medical treatment.

I have just come from a rally going on outside the Supreme Court where, again, women came forward and explained their very, very tragic circumstances around having to have this procedure.

Today a woman named Vicki Seles stood up and said she was diabetic. Everything went very well until about her 28th week, and at that point they realized that the fetus had so many anomalies they were totally inconsistent with life and that her life too could be threatened, because being a diabetic they had to be very careful about what kind of procedures she could and could not go through. And so it was with great pain, great sorrow, great everything that this pregnancy was ended with this method which was determined to be the safest for her because it preserved her reproductive organs. It kept the bleeding to a minimum, which is so important for diabetics and so many other things. But I do not want to pretend that I am practicing medicine without a license because obviously I do not have a medical license.

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But she stood out there on the steps of the Supreme Court saying she is now 30 weeks pregnant with a healthy fetus, that this is going along well, how excited she it. She has had this opportunity to once again try to become a mother and that she and her husband have been so excited about this happening. It appears now that all of this is going well and that she would not have had that option had the fetus died in utero, which it appeared it could, and then all sorts of emergency procedures start happening and probably in all instances her entire reproductive system would have been removed in some kind of an emergency procedure.

Now, these are the types of things that we criminalized last week. We did not even allow an amendment for the life of the mother or the future health of the mother to be considered. I find