today and forgotten what weekend this is, and I want to pay tribute to the honorable remarkable mothers, church mothers, foster care mothers, mothers who have adopted, and just mothers, all of our mothers who have nurtured this Nation to its great place that it is.

I rise to honor them for their unselfishness, their determination and their immense love. Mothers exhibit great compassion.

And to the working mothers living on minimum wage, I am simply asking the Republicans to stop being such hard heads and honor our mothers who work hard with an increase in the minimum wage.

And to our elderly mothers, with worn hands, who worked long and hard, I ask the Republicans to stop trying to cut the Medicare which they depend upon.

Oh, we can talk about a lot this morning, but this is a weekend that we should give honor long and hard to the many mothers around this Nation who sacrificed their sons and daughters to go to war an still remained a patriotic American. Therefore this day I pay tribute to the unsung heroines, our mothers. Happy Mothers Day to the mothers of America.

## THE JOURNAL

The SPEAKER pro tempore (Mr. ROGERS). Pursuant to clause 5 of rule I, the pending business is the question of the Speaker's approval of the Journal.

The question is on the Speaker's approval of the Journal of the last day's proceedings.

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

Mr. SOLOMON. 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 317, nays 71, answered ''present'' 1, not voting 44, as follows:

[Roll No. 163]

YEAS—317

| | | |
|---|---|---|
| Ackerman | Bishop | Cardin |
| Allard | Bliley | Castle |
| Andrews | Blute | Chabot |
| Archer | Boehlert | Chambliss |
| Bachus | Boehner | Chenoweth |
| Baesler | Bonilla | Christensen |
| Baker (CA) | Bono | Chrysler |
| Baldacci | Boucher | Clayton |
| Ballenger | Brewster | Clement |
| Barcia | Browder | Clinger |
| Barr | Brownback | Coble |
| Barrett (NE) | Bryant (TN) | Coburn |
| Barrett (WI) | Bunning | Collins (GA) |
| Bartlett | Burr | Collins (MI) |
| Barton | Burton | Combest |
| Bass | Buyer | Condit |
| Bateman | Callahan | Conyers |
| Bentsen | Calvert | Cooley |
| Bereuter | Camp | Cox |
| Bilbray | Campbell | Coyne |
| Bilirakis | Canady | Cramer |
| Crane | Kelly | Radanovich |
| Crapo | Kennedy (MA) | Rahall |
| Cremeans | Kennedy (RI) | Ramstad |
| Cubin | Kennelly | Rangel |
| Cummings | Kildee | Reed |
| Cunningham | Kim | Regula |
| Davis | King | Richardson |
| de la Garza | Kingston | Riggs |
| Deal | Kleczka | Rivers |
| DeLauro | Klug | Roemer |
| DeLay | Knollenberg | Rogers |
| Dellums | Kolbe | Rohrabacher |
| Deutsch | LaHood | Ros-Lehtinen |
| Diaz-Balart | Lantos | Roth |
| Dicks | Largent | Roukema |
| Dingell | LaTourette | Roybal-Allard |
| Doggett | Lazio | Royce |
| Dooley | Leach | Rush |
| Doolittle | Lewis (CA) | Salmon |
| Doyle | Lewis (KY) | Sanders |
| Dreier | Lightfoot | Sanford |
| Duncan | Lincoln | Sawyer |
| Dunn | Linder | Saxton |
| Edwards | Lipinski | Scarborough |
| Ehlers | Livingston | Schaefer |
| Ehrlich | LoBiondo | Schiff |
| Emerson | Lofgren | Schumer |
| Eshoo | Lowey | Scott |
| Evans | Lucas | Seastrand |
| Ewing | Luther | Sensenbrenner |
| Farr | Maloney | Serrano |
| Fattah | Manton | Shadegg |
| Fawell | Manzullo | Shaw |
| Fields (LA) | Markey | Shays |
| Fields (TX) | Martinez | Shuster |
| Flake | Mascara | Sisisky |
| Foley | McCarthy | Skaggs |
| Forbes | McCollum | Skeen |
| Ford | McCrery | Skelton |
| Fowler | McHale | Slaughter |
| Frank (MA) | McHugh | Smith (NJ) |
| Franks (CT) | McInnis | Smith (TX) |
| Franks (NJ) | McIntosh | Smith (WA) |
| Frelinghuysen | McKeon | Solomon |
| Frisa | McKinney | Souder |
| Frost | Meehan | Spence |
| Ganske | Metcalf | Spratt |
| Gekas | Meyers | Stearns |
| Geren | Mica | Stenholm |
| Gilchrest | Miller (FL) | Stokes |
| Gilman | Minge | Studds |
| Gonzalez | Mink | Stump |
| Goodlatte | Mollohan | Stupak |
| Goodling | Montgomery | Talent |
| Gordon | Moorhead | Tate |
| Goss | Moran | Tauzin |
| Graham | Morella | Taylor (NC) |
| Greene (UT) | Murtha | Tejeda |
| Greenwood | Myers | Thomas |
| Gunderson | Myrick | Thornberry |
| Hall (TX) | Nadler | Thurman |
| Hamilton | Neal | Tiahrt |
| Hancock | Nethercutt | Torres |
| Hansen | Neumann | Traficant |
| Hastert | Ney | Upton |
| Hayes | Norwood | Vento |
| Hayworth | Nussle | Vucanovich |
| Hobson | Obey | Walker |
| Hoekstra | Ortiz | Walsh |
| Horn | Orton | Wamp |
| Hostettler | Oxley | Ward |
| Houghton | Packard | Watt (NC) |
| Hoyer | Parker | Watts (OK) |
| Hunter | Payne (NJ) | Waxman |
| Hyde | Payne (VA) | Weldon (FL) |
| Inglis | Pelosi | White |
| Istook | Peterson (FL) | Whitfield |
| Johnson (CT) | Peterson (MN) | Wilson |
| Johnson (SD) | Petri | Wise |
| Johnson, Sam | Pombo | Woolsey |
| Johnston | Porter | Wynn |
| Jones | Poshard | Young (AK) |
| Kanjorski | Pryce | Young (FL) |
| Kaptur | Quillen | Zeliff |
| Kasich | Quinn | |

NAYS—71

| | | |
|---|---|---|
| Becerra | English | Green (TX) |
| Bonior | Ensign | Gutierrez |
| Borski | Everett | Gutknecht |
| Brown (CA) | Fazio | Hall (OH) |
| Brown (FL) | Filner | Hastings (FL) |
| Brown (OH) | Flanagan | Hefley |
| Bunn | Foglietta | Hefner |
| Clyburn | Fox | Heineman |
| Coleman | Funderburk | Hilleary |
| Costello | Furse | Hilliard |
| DeFazio | Gephardt | Hutchinson |
| Durbin | Gillmor | Jackson (IL) |
| Jackson-Lee (TX) | McNulty | Thompson |
| Jacobs | Meek | Thornton |
| Johnson, E. B. | Menendez | Torkildsen |
| Klink | Olver | Towns |
| LaFalce | Owens | Velazquez |
| Latham | Pallone | Visclosky |
| Levin | Pastor | Volkmer |
| Lewis (GA) | Pickett | Weller |
| Longley | Sabo | Wicker |
| Matsui | Stark | Wolf |
| McDermott | Stockman | Yates |
| | Taylor (MS) | Zimmer |

ANSWERED ''PRESENT''—1

Harman

NOT VOTING—44

| | | |
|---|---|---|
| Abercrombie | Gallegly | Moakley |
| Armey | Gejdenson | Molinari |
| Baker (LA) | Gibbons | Oberstar |
| Beilenson | Hastings (WA) | Paxon |
| Berman | Herger | Pomeroy |
| Bevill | Hinchey | Portman |
| Bryant (TX) | Hoke | Roberts |
| Chapman | Holden | Rose |
| Clay | Jefferson | Schroeder |
| Collins (IL) | Laughlin | Smith (MI) |
| Danner | Martini | Tanner |
| Dickey | McDade | Torricelli |
| Dixon | Millender-McDonald | Waters |
| Dornan | Miller (CA) | Weldon (PA) |
| Engel | | Williams |

☐ 1048

Mr. FOX of Pennsylvania and Mr. ENGLISH of Pennsylvania changed their vote from ''yea'' to ''nay.''

So the Journal was approved.

The result of the vote was announced as above recorded.

## PERSONAL EXPLANATION

Mr. ENGEL. Mr. Speaker, I was back in my district and missed two rollcall votes.

On rollcall 162, had I been present, I would have voted ''no.''

On rollcall 163, had I been present, I would have voted ''yes.''

## ADOPTION PROMOTION AND STABILITY ACT OF 1996

The SPEAKER pro tempore (Mrs. MORELLA). The unfinished business is the further consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, May 9, 1996, it is now in order to consider an amendment offered by the gentleman from Florida [Mr. GIBBONS] or his designee. Does the gentleman from Florida seek to offer an amendment?

If not, it is now in order to consider the amendment offered by the gentleman from Alaska [Mr. YOUNG].

AMENDMENT OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Madam Speaker, I offer an amendment.

The SPEAKER pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. YOUNG of Alaska:

Strike title III.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Alaska [Mr. YOUNG] and a member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Speaker, I yield half of my time to the gentleman from New Mexico [Mr. RICHARDSON] and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Ms. PRYCE. Madam Speaker, I claim the 15 minutes in opposition. I yield half the time to the gentleman from Texas, Mr. PETE GEREN, and I ask unanimous consent that he be permitted to control that time.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Alaska, Mr. YOUNG, the gentleman from New Mexico, Mr. RICHARDSON, the gentlewoman from Ohio, Ms. PRYCE, and the gentleman from Texas, Mr. PETE GEREN, will each control 7½ minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Madam Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Alaska asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Alaska. Madam Speaker, this amendment is of great seriousness to this body. I hope all of my colleagues pay attention to the words that will be spoken today.

I will be the first one to say that the presentation by Congresswoman PRYCE and the presentation by Congressman SOLOMON is from their hearts, and I will say they are very sincere attempts to undo what I believe is a trust authority of this Congress to the American Indian tribes. I want to stress that. Only the Congress has a right to decide who is an American Indian or what is a tribe, and no other legal entity or judicial body has that authority, and that is our trust responsibility.

What the amendment that has been put in this bill through the rules, which was in fact unanimously with one dissenting vote eliminated in my committee, does is take away that trust responsibility of this Congress to the American Indians. Again, we are breaking a commitment and a promise to the American Indian people. Keep that in mind. We were told, and Members held up their hand and swore to uphold the Constitution, and this is breaking the constitutional law, so keep that in mind.

But more than that, I helped pass ICWA, the Indian Child Welfare Act. In all the years, in 15 years, there have been 40 cases such as Ms. PRYCE's and Mr. SOLOMON's, and I will agree they are atrocious cases. But we have tried and we were working and we will continue to work to solve this problem legislatively.

There is a large tribal meeting in the first of June and we told them, ''You better come up with a solution.'' If they do not, I will write the bill that will take care of these problems. And those lawyers have been very dishonest, and they have caused most of these problems.

We asked Mr. SOLOMON and Ms. PRYCE to wait until the middle of June, until we have found out what would be the results of those meetings. They chose not to do so. I respect that belief on their side, but I say to my colleagues in all sincerity, what we are attempting to do here today is right, it is constitutional, it is correct and it should give us the time.

I am asking this body to do the responsible thing and in fact uphold the Constitution. I am asking my colleagues to think about this for a moment and think about, yes, the 40 cases, yes, I will concede. But think of why this act was put in place to begin with.

We have 40 cases. What about the 50,000 American Indians that were farmed out and adopted out to families outside their tribes, without any consent of the mother or father or the family or grandpas or uncles or aunts? And that occurred. In fact it was more than 50,000. It was more like a half a million since 1900.

And we are talking about 40 cases. Yes, they are bad cases, they are atrocious cases. But I am saying to my colleagues, what they are attempting to do in this bill, and if they do not adopt my amendment today to strike that provision and give us the opportunity, they are in fact breaking our trust responsibility to the American Indian. I do not think my colleagues want that on their chest.

In fact, if they do, and, yes, the emotionalism is there, I have seen the cases, I have talked to these people, but I am going to suggest to them if they do that, they have shirked our duty to the responsibility that we are charged with. All I ask is give us the time, let us work and let us solve the problem, and we can do it.

If they continue this effort today in this bill and this amendment is not adopted, they in fact have gone back on an act that has worked well. It has kept families together, children with their relatives, children with their mothers, children with their aunts and uncles and not farmed out to places far away from those tribes.

So I ask my colleagues to support this amendment. It is the right thing to do. It is the best thing to do, and it is our responsibility.

Madam Speaker, I reserve the balance of my time.

Mr. PETE GEREN of Texas. Madam Speaker, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Madam Speaker, the issue before us is not about the rights of native Americans. It is about the rights of U.S. citizens to make decisions about their own children free from the control of ancestors generations removed from them, whether those ancestors be German, French or native American.

If a 14-year-old girl in Atlanta, GA were to get pregnant, we might think that it would be up to that girl, her parents, the boy involved and his parents as to whether to place that child for adoption and with whom to place that baby for adoption. That is true unless one grandparent or even one great-grandparent, alive or dead, may have once been a member of a native American Indian tribe.

It does not matter that the girl, the boy, the parents, three out of four grandparents, 7 out of 8 great-grandparents were German, French, Texan or whatever. If one great-grandparent had been an enrolled member of a native American Indian tribe, that tribe may intervene and disrupt the adoption placement for that great-grandchild, and countermand the decision.

Madam Speaker, I yield the balance of my time to the gentlewoman from Ohio [Ms. PRYCE], and I ask unanimous consent that she may be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1100

Ms. PRYCE. Madam Speaker, I yield such time as he may consume to the gentleman from Kansas [Mr. TIAHRT], who has been so instrumental in assisting on this bill.

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

Mr. TIAHRT. Madam Speaker, I rise in opposition to the Young amendment.

Now is the time to improve this 1978 law. The children of Native American descent who are harmed by overbroad application of the Indian Child Welfare Act can not lobby, they can not write letters and they can not wait. It is time to relieve them of the fear of being taken away from their mom and dad and it is time to give children without parents the chance to be adopted.

This legislation does not interfere with the Tribal courts jurisdiction over a child on a reservation or a child who has even one parent that is connected with a tribe. Title III of H.R. 3286 simply restores individual freedom to those children and birth-parents whose only connection with a tribe is genetic. I urge my colleagues to support title III.

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

Madam Speaker, with all due respect to the gentleman from Alaska, my friend, I must rise in strong opposition to striking title III.

Madam Speaker, the gentleman is absolutely right about the shameful history which required the passage of ICWA in the first place. It was a blight on our past, and there is no pride that we as a nation should take from it. He

is right that ICWA has worked, and it is still working. That is why I am opposed to efforts for its outright appeal. But we as a Congress must realize that it is not perfect. Its vagueness has caused not only endless litigation, but also pain, suffering, and heartache for children and families all across this wonderful country of ours. And we as a Congress have the responsibility to clear up those ambiguous words that we created, that we wrote in 1978.

This is one of the easy ones, folks. So often we are faced with social problems we do not have any idea how to fix. But it is not hard to see that when some courts and activities can claim that a child with no more than one sixty-fourth Indian blood and no connection with tribal culture for generations and generations, they can claim that an Indian child and then take that child from the only secure family it has ever had, it is not hard for me to see what we have to do.

And what about our country's other rich cultural heritages? If a child is almost entirely Hispanic, or African American or Asian or Irish American, but has some trace of Indian lineage, under the current application of ICWA, these heritages can be denied. They are subordinated to one's native American lineage, no matter how minute. Someone explain to me why is it any less significant or meaningful to be Hispanic, black, Asian or Irish, and why we as a Congress, we just cannot allow this to continue.

The Indian Child Welfare Act on too many occasions has created a state of permanent impermanence for the very children it was enacted to protect. Since its enactment, there are 25 percent more Indian children in foster care and for lot longer times. While widespread litigation over ICWA continues, children are being bounced from one foster care setting to another for months and sometimes even years, when they could and should be with loving parents in stable, permanent homes. Children are being grabbed by the overreaching arms of ICWA and removed from loving nurturing parents, even under circumstances where the child's natural parents were never members of an Indian tribe, never lived on or near a reservation, never had any meaningful contact with the tribe or Indian culture, voluntarily relinquished their parental rights, could only claim a minute degree of native American heritage, and even chose the couple whom they wanted to raise their child.

The Congress of the United States enacted the Indian Child Welfare Act, and it is our responsibility to address the unintended and unjust, tragic results of it, while still preserving its integrity and respect for the proper and intended purpose.

Madam Speaker, this has been my intention from the outset. Yet my request for input and suggestions about how to fix this have gone unanswered. Nothing has happened but more litigation, more broken families, and more heartbreak.

Madam Speaker, I urge my colleagues to put the best interests of America's children first by defeating the motion to strike. In title III, we propose nothing more than a commonsense clarification. This is a small but very meaningful step that we can take to give adoptive children the kind of stable, secure, loving homes that they deserve. Vote ''no'' on the motion to strike.

Madam Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, I want to correct what is permeating this Chamber. Native Americans are different from other ethnic minorities in that they are sovereign tribes, sovereign nations. You cannot equate a case of an African-American or Hispanic-American with native Americans. Native Americans have treaties with the United States. You cannot completely disregard tribal administration, and tribes that have not been consulted in this.

Mr. Speaker, the Clinton administration supports the Young amendment. They have issued a statement, along with the Department of Interior, the Department of Justice, the Federal Bar Association.

Madam Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Madam Speaker, I rise in strong support of the amendment offered by Mr. YOUNG to strike title III from this legislation. Madam Speaker, the bill before us today is an affront to the sovereignty of Indians in our country. This provision was written without any consultation of the Indian tribes. Members of both sides of the aisle on the House Resource Committee, which has sole jurisdiction over the Indian Child Welfare Act, recognized that this law has worked well over the years. In my home State of Michigan, which has one of the largest native American populations in the midwest, the Indian Child Welfare Act has been successful by motivating courts and agencies to place greater numbers of Indian children into Indian homes.

Madam Speaker, there may be a need to fine tune this legislation—we don't pass perfect legislation on Capitol Hill. It is my understanding that tribal and adoption groups are currently meeting to develop recommendations to make the adoption process better for all children. It is my understanding that these recommendations will be ready next month.

Madam Speaker, before we rush to judgment, let's carefully and sensitively review the Indian Child Welfare Act—and do what is best for the children.

Ms. PRYCE. Madam Speaker, I yield 2 minutes to my good friend, the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules and an activist on this front.

Mr. SOLOMON. Madam Speaker, I thank the gentleman for yielding me time.

Madam Speaker, I guess I have a special prejudice about this bill, because I guess I was one of those kids years ago that was bounced around from home to home, without a mother and father. I can still recall looking to the other kids and being so envious, and wondering what it was like when I went to bed at night when I used to dream what it would be like to have a mother and father.

You know, that is what this debate is all about. We have 600,000 of these children that need to be adopted. There are 2 million more beyond that that are now in foster homes who need mothers and fathers. It means so much to the future of this country.

Let me say to my good friend, the gentleman from Alaska [Mr. YOUNG], who I respect more than any other man in this body, because he and I fight for property rights day in and day out. DON, you are not going to be able to get legislation out of your committee. What you are asking is to continue the status quo.

Let me tell Members what we are doing with this legislation. We are keeping good legislation on the books. The ICWA is a good piece of legislation. But we are trying to prevent baby snatching, children snatching. That is all we are doing.

What we are saying is that if you are part Indian, not living on a reservation, taking advantage of all of the benefits of an American citizen, you do not get a tax break, you do not live on the reservation; and, let us say you are a man and a woman, unmarried or married, and you give that child up for adoption, and a family, like Colonel Satler of the U.S. Marine Corps, like his sister, has had these twins for 2 years. And then those children are snatched away because, retroactively, the Indian reservation said ''Those are our children.''

All we are saying is you cannot do that retroactively. If you are an American citizen taking advantage of the United States benefits, then you have to go before the same court that the other Americans have to go before. You still have the opportunity to work your case either way. That is what this debate is all about.

I implore Members, I beg you to please vote to improve the legislation, not repeal it. And then it the Indian reservations and organizations decide to do something in June, let us sit down and work in conference to work it out to the benefit of all Americans.

Please vote against the Don Young amendment.

Mr. RICHARDSON. Madam Speaker, I yield 1 minute to the gentleman from America Samoa [Mr. FALEOMAVAEGA], the ranking member on the Subcommittee on Indian Affairs.

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

Mr. FALEOMAVAEGA. Madam Speaker, it is not often that I appear in the well to make speeches, but in this instance, I am compelled to do so, particularly to note the seriousness of the issue now before us.

I feel it is very, very unfortunate that we are only given 7 minutes to debate a very major issue affecting the lives of some 200 native American Indians. Some of our friends have said we are French-Americans, we are Italian-Americans, we are Irish-Americans. The fact of the matter is we have only been granted native American citizenship in 1924; 300-some treaties we have broken, every treaty we signed to signify the sovereignty of the Indian tribes.

I would like to remind my friends, there is only one designation given in our Constitution to recognize Indian tribes separate and apart from French-Americans or British-Americans. We are all Americans in that respect.

Madam Speaker, I support the gentleman's amendment. I ask my good friend, the gentlewoman from Ohio, give the Indian tribes a chance and the Committee on Resources, which has primary jurisdiction over the needs of native Americans, give us a chance to work this thing over. The problem cases, 40 cases, that is less than one-tenth of 1 percent of the problem that we are dealing with.

Madam Speaker, the Indian Child Welfare Act works. Support the Young-Miller amendment.

Madam Speaker and my colleagues in the House, it is not often that I appear in the well to make speeches. But in this instance, I am compelled to do so—particularly to note the seriousness of the issue now before us.

H.R. 3286, as authored by the gentlelady from New York is an excellent piece of legislation to provide a better means whereby some 500,000 of our Nation's children are cared for through adoption.

With one exception, however—and that's title III of H.R. 3286, which deals with adoption of children who are of Native American Indian ancestry.

Madam Speaker, I ask my colleagues to support the amendment offered by the gentleman from Alaska, who is also the chairman of the House Committee on Resources. Title III of this bill is the spoiler of this legislation, and I ask my good friend, the gentlelady from Ohio to give the Indian tribes and the Resources Committee an opportunity to do its job for proper hearing and thorough examination of the problem.

Madam Speaker, for some 18 years now, Congress passed legislation specifically to address the plight of Indian tribes and to remedy the problem as noted in the 1978 report, that the ''wholesale separation of Indian children from their families—is perhaps the most tragic and destructive aspect of American Indian life today.''

Contrary to assertions that the 1978 Indian Child Welfare Act has not worked, it's not true. In fact it has worked very well. According to the 1995 testimony received, ''there may have been only 40 contested Indian adoption cases in the past 15 years, which is less than one-tenth of 1 percent of the total numbers of Indian adoption cases throughout the period.''

And I might note that the vast majority of the problem cases were caused by willful violations of the act.

Madam Speaker, my heart goes out to the families that have had to expend their life's fortunes—$75,000 and even some $300,000 in court litigation. And I must say the responsibility lies squarely upon the shoulders of those adoption attorneys.

I cannot believe for a second Madam Speaker, that these adoption attorneys were not aware of the Federal law governing the adoption of Indian children. These adoption laws have been in the books for some 15 years. Most, if not all the problem cases involving Indian children occurred after passage of the 1978 act. Any adoption attorney worth a grain of salt should have been aware of such laws—but the problem, Madam Speaker, the adoption attorneys purposely would advise adoption parents not to reveal the Indian ancestry of these children. And at $20,000 a pop for these adoption cases—again, Madam Speaker, the fault lies squarely on these adoption attorneys.

Madam Speaker, it is most unfortunate that the Rules Committee has allocated only 7½ minutes to debate this very important issue. Moreover, I must remind my colleagues that it was not until 1924 that our Nation ever granted U.S. citizenship to Native American Indians. Our Nation also has broken every treaty that was signed with the Indian tribes.

Madam Speaker, the speeches before me said our Nation should not distinguish between French Americans, Irish Americans, Polish Americans, Asian Americans—we're all Americans. But I must remind my colleagues that Native American Indian tribes, is the only ethnic group that the U.S. Constitution specifically makes reference to as a sovereign entity, for which the Congress of the United States is specifically assigned the responsibility of dealing with Native American Indians.

Under the provisions of section 8, article I of the Constitution of the United States, it states, ''Congress shall have power to * * * regulate commerce with foreign nations, *and* among the several states, and with the Indian tribes * * *'' The Native American Indians are specifically cited, Madam Speaker, because under our form of democracy we have had treaty relations with Indian tribes for the past 300 years. So, let's not mislead the American people by suggesting the Native American Indians are the same as French Americans, British Americans, Irish Americans, Italian Americans, because they are not.

Again, I ask the gentlelady from Ohio to give the Indian tribes throughout America and the House Resources Committee a chance to review and provide input in this process. It has been suggested by the gentlelady that despite all her efforts, the Resources Committee and the Indian tribes were not responsive. The fact is, Madam Speaker, our legislative agenda is controlled by the Republican leadership of the House, and for whatever reason that the gentlelady's concerns were not addressed, I cannot respond other than to say I am willing to work the gentlelady at any time to resolve this problem.

Again, Madam Speaker, I urge my colleagues to support the Young-Miller amendment by eliminating title III of H.R. 3286.

SUPPLEMENTAL VIEWS ON H.R. 3286

We report these supplemental views on title III of H.R. 3286, the Adoption Promotion and Stability Act of 1996 (the ''bill''), because of our great concern that this bill, however well-intentioned, will do grave and unavoidable harm to the Indian Child Welfare Act (the ''Act'') and even, perhaps, to the future of Indian tribes and Indian children as well.

In addition, we write to express our displeasure with the process in which this bill has been introduced, referred, and scheduled for a floor vote. The fact that Title III of this bill was introduced without any consultation with those people it affects the most—Indian parents, children, and tribes—strikes us not only as grossly paternalistic but a recipe for legislative disaster. Indeed, the laws and practices surrounding Indian adoptions are complex and poorly understood. Rather than proceeding rashly into a field armed simply with anecdotal evidence and fierce convictions, perhaps the sponsors should have sat down and gathered empirical information from the tribes and social workers most familiar with the day-to-day workings of the Act. In other words, the bill's sponsors should have at least thought about conducting a hearing on this important measure. Yet none were scheduled or even planned.

The bill's sponsors had originally planned to bring this bill to the House floor without any Committee proceedings at all. Although the House leadership apparently agreed with the Committee Chairman that there should at least be an appearance of process and therefore granted a six day referral to this Committee, the fact remains that this Committee's role was always viewed suspiciously, and even antagonistically, largely out of concern that the committee membership would be sympathetic to the Indian tribes' point of view. Of course, we have serious problems with the bill, as set forth below. That is because this Committee takes this Nation's Federal trust responsibility towards the more than 550 Alaska Native and American Indian tribes seriously.

This does not mean that the Committee is not aware of problems associated with the implementation of the Act, nor does it mean that the Committee is not willing to take measures to make improvements to the Act. The point is that the Committee members would have been willing to work with the sponsors in a constructive and deliberate manner on legislation that improves and strengthens the Act. But that is not what the sponsors apparently wanted. And that is unfortunate because the remaining adoption titles in the bill have strong merit. It seems odd to jeopardize passage of an otherwise worthwhile bill by burdening it with a controversial, untested, and hastily drafted provision that has merited the strong objection of the Committee of primary jurisdiction and the unanimous opposition of Indian tribes throughout the country.[1]

Turning to the substance of the bill, our objections are manyfold. In order to fully illustrate the depth and nature of our concerns, we believe it is appropriate to first examine the history and purposes of the Act.

The Indian Child Welfare Act was enacted in 1978, after ten years of Congressional study, in order to protect Indian children and Indian tribes. This Committee, in its 1978 Report, determined that ''[t]he wholesale separation of Indian children from their families is perhaps the most tragic and destructive aspect of American Indian life today.''[2]

As stated in the Act itself, Congress ''has assumed the responsibility for the protection and preservation of Indian tribes and their resources'' and ''that there is no resource that is more vital to the continued existence

[1] Footnotes at end of article.

and integrity of Indian tribes than their children . . .''[3]

Prior to enactment of ICWA, the Committee received testimony from the Association on American Indian Affairs that in 1969 and 1974 approximately 25% to 35% of all Indian children had been separated from their families and placed in adoptive families, foster care, or institutions.[4] The rate of adoptions of Indian children was wildly disproportionate to the adoption rate of non-Indian children. According to the 1978 House Report, Indian children in Montana were being adopted at a per capita rate thirteen times that of non-Indian children, in South Dakota sixteen times that of non-Indian children, and in Minnesota five times that of non-Indian children.[5] In one House hearing, Chief Calvin Isaac of the Mississippi Band of Choctow Indians explained the cause for the large removal of Indian children:

One of the most serious failings of the present system is that Indian children are removed from the custody of their natural parents by nontribal government authorities who have no basis for intelligently evaluating the cultural and social premises underlying Indian home life and childrearing. Many of the individuals who decide the fate of our children are at best ignorant of our cultural values, and at worst contempful of the Indian way and convinced that removal, usually to a non-Indian household or institution, can only benefit an Indian child.[6]

Thus, Congress chose to act to protect Indian tribes against the disproportionate wholesale, and often unwarranted, removal of Indian children from their families and subsequent placement in adoptive or foster homes. Chairman Udall, the Act's principal sponsor, reaffirmed the need for the Act on the House floor, ''Indian tribes and Indian people are being drained of their children and, as a result, their future as a tribe and a people is being placed in jeopardy.''[7]

We emphasize that Congress enacted ICWA in recognition of two important interests—that of the Indian child, and that of the Indian tribe in the child. In a landmark ruling, the Supreme Court in the Holyfield case expounded on this latter interest, quoting a lower court:

The protection of this tribal interest is at the core of ICWA, which recognizes that the tribe has an interest in the child which is distinct but on a parity with the interest of the parents.[8]

Another problem surrounding Indian adoptions that the Congress chose to address was the inability of non-Indian institutions, in particular state courts and adoption agencies, to recognize the differing cultural values and relations in Indian communities.[9] For instance, state courts and adoption workers usually failed to grasp the powerful role and presence of the extended family in Indian communities.[10] Thus, Congress structured the Act to counter the tendency of non-Indians to focus solely on the immediate relationship of the Indian children to their parents while ignoring the relationship of the children to their extended family. In fact, that is a glaring shortcoming of the proposed bill which stresses only the relationship of the child's parent to the tribe.

In order to balance the interests of Indian children and their tribes, Congress set up a carefully tailored dual jurisdictional scheme to provide deference to tribal judgment in cases involving Indian children residing on Indian lands and to provide concurrent but presumptive tribal jurisdiction in the case of Indian children not residing on Indian lands. It is important to recognize that this dual jurisdictional scheme settles jurisdictional and choice-of-law issues in a way that best facilitates the placement of Indian children with families. This is so for the simple reason that tribal courts are generally in a better position than state courts to know whether an Indian child has relatives who want to adopt the child, or whether there are other Indian or non-Indian families who want to adopt the child.

As a final matter, Congress enacted ICWA to address the social and psychological impact on Indian children of placement in non-Indian families. The U.S. Supreme Court has stated that ''it is clear that Congress' concern over the placement of Indian children in non-Indian homes was based in part on evidence of the detrimental impact on the children themselves of such placement outside their culture.'' Holyfield at 59-50. In particular, the Court noted studies that demonstrated that Indian children raised in non-Indian settings often have recurring developmental problems encountered in adolescence. Id. at 50, n.24. See also, Berlin, Anglo Adoptions of Native Americans, Repercussions in Adolescence, 17 J. Am. Acad. of Child Psychology 387 (1978). Removal of Indian children from Indian families precipitates not only a cultural loss to the Indian tribe but a loss of identity to the children themselves.

Recent studies indicate that ICWA has worked well in redressing the wrongs caused by the removal of Indian children from their families. A 1987 report revealed as overall reduction in foster care placement in the early 1980s after enactment of ICWA.[11] A 1988 report indicated that ICWA had motivated courts and agencies to place greater numbers of Indian children into Indian homes.[12] Testimony received at a May 1995 hearing on H.R. 1448 from Terry Cross, director of the National Indian Child Welfare Association, indicates that, contrary to assertion by non-Indian adoption attorneys and agencies of hundreds or even thousands of ''problem'' Indian adoptions, there may be only 40 contested Indian adoption cases in the past fifteen years, less than one-tenth of one-percent of the total number of Indian adoption cases during that period. As set forth later, we believe that the vast majority of those ''problem'' cases are the direct result of willful violations of the Act and can be addressed by changes to the law that promote greater notification and sanctions for violations.

Having examined the background of the Act, we turn to reservations about the substance of H.R. 3286.

Section 301 of the bill would limit the application of the Act to off-reservation Indian children with at least one parent who maintains a ''significant'' social, cultural, or political affiliation with an Indian tribe. A determination of such an affiliation is final.

Our first objection is that this section is vague. The bill provides no guidance to the courts as to the meaning of ''significant'' or ''affiliation''. The use of ''final'' can be read to preclude appellate review by state, federal or tribal courts. The vagueness inherent in this section is likely to lead to new levels and areas of litigation, contrary to the purposes of the Act and in frustration of efforts to quickly place Indian children with adoptive or foster families.

Second, the bill needlessly jettisons a simple test for the application of the Act, membership (which is a political test), in favor of a complicated test. Again, this will likely promote rather than curtail litigation involving Indian custody proceedings, contrary to the purposes of the Act.

Third, the bill would cede back to state courts and agencies the primary role of making placement and jurisdictional decisions. As explained in the history above, Congress chose to give primary jurisdiction over the adoption of Indian children to the tribes precisely because of the states' inability to understand tribal cultural and political institutions. Thus, to give states the role of first determining whether an Indian parent has sufficient social, cultural or political affiliations with a tribe as to warrant tribal court jurisdiction runs contrary to the intent of the Act. To date we have heard no testimony or evidence to support the assumption that there has been any improvement in the state courts' or agencies' abilities to understand tribal values and cultures.

Fourth, by focusing solely on the relationship of the child's parent to the tribe, the bill ignores the entire role of the extended family in Indian country. Thus the bill operates at the expense of the child's grandparents, aunts and uncles who likely will have the requisite ''significant'' contacts with the tribe and who have a strong familial and cultural interest in the child. It was the inability of state courts and adoptions agencies to recognize this interest that led to the wholesale removal of Indian children from their culture in the first place.

Fifth, the bill misses the fact that the Act is largely jurisdictional in nature. In other words, the Act transferred jurisdiction in Indian adoption cases to tribal courts from state courts because the tribes were in the best position to act in the best interest of Indian children. But, the Act in no way requires that Indian children be placed with Indian families. The bill, unfortunately, seems driven in part out of fear that tribal court jurisdiction is tantamount to placement in an Indian family. We believe this fear is unfounded.[13] Rather, we believe that tribal courts remain capable of sound judgment and will place an Indian child with a family, Indian or non-Indian, when it determines that it is in the child's best interests.

Section 302 of the bill provides that an Indian who is eighteen years of age or older can only become a member of a tribe upon his or her written consent and that membership in a tribe is effective from the actual date of admission and shall not be given retroactive effect.

This section reaches directly into a core area of tribal sovereignty, membership[14], and makes written consent a prerequisite for adults. The major problem with this approach is that tribal membership is not, as a matter of practice, synonymous with enrollment. Many tribes, especially smaller tribes, do not have updated enrollment lists. The Department of Interior's own Guideline to State Courts for Indian Child Custody Proceedings point this out.[15] The provisions of this bill would penalize Indian children and their parents in these tribes. Lack of funds is one reason. Another reason is that Indians often do not enroll until such time as they need Indian Health Service care or scholarship assistance. In addition, we have heard testimony that tribe often simply ''know'' who their members are.

The result is that many Indians who are part of the Indian community and eligible for enrollment would be excluded from the Act's coverage simply because they have not taken the formal step of enrollment. Thus, we believe the bill is overbroad in this respect because it will exclude children, even full-blooded Indians, whose parents are in fact members of a tribe. This bill exacerbates this problem by placing questions of membership in the hands of the state courts rather than tribal courts. We believe that a minimum, membership is a matter that should be left solely to the tribes.

This section would also extend to involuntary proceedings and allow state agencies to

remove Indian children from on-reservation homes where neither parent has enrolled in a tribe. Obviously, this is one of the very problems that led to the creation of the Act. We see no need to take such a dramatic step backwards.

Lastly, we take issue with the assertion that this Act not apply to children who are one-tenth, one-sixteenth, one-thirty second, or some other degree of Indian blood. The law is clear in this respect: tribes, as sovereign entities, are free to set membership on any number of criteria, and each tribe has the power to determine whether or not to rely upon degree of blood as such a criterion. As previously stated, Congress has no business intruding upon such central matters of tribal sovereignty.

Having set forth these criticisms, we suggest the following approach to address the real problem surrounding lengthy adoption disputes, namely the willful failure by adoption attorneys and agencies to comply with the terms of the Act. First, mandate notice to the tribe in all voluntary proceedings. Second, impose sanctions upon willful violators of the Act.

While it is true that there are rare instances of Indian child custody cases that are painful for the children and families, we believe that most of the problems lie not the Act itself, but rather with the failure to comply with the terms of the Act. For instance, in the *Rost* case involving the twins from California, the biological father testified in court deposition that he had been counseled to omit any reference to his Indian heritage in order to avoid ICWA proceedings. When the terms of the Act are complied with, the Act works well and facilities the quick placement of Indian children. We are aware of the discrepancy in the Act which gives a tribe a right to intervene in custody proceedings, voluntary or involuntary, at any point, 25 U.S.C. 1911(c), yet mandates notice to the tribe only in involuntary proceedings, 25 U.S.C. 1911(a). We believe that as a matter of policy, the best approach is to provide notification to the tribe in all state court proceedings, voluntary and involuntary, in order to carry out the goals of the Act. We would be glad to work with the bill's sponsors on these changes if they desire.

In sum, we believe that the Indian Child Welfare Act has been successful as a protection to Indian tribes and families. There will undoubtedly arise, from time to time, difficult adoption cases, but these cases are usually the result of an unintentional or, as is often the case, an intentional attempt to get around the requirements of the Act. We do not believe that the legislation at hand adequately addresses those problems. Such legislation deserved thorough examination by this Committee and input from the tribes it affects or we run the risk of imposing even more big-government paternalistic measures upon the Indian tribes.

GEORGE MILLER, M.C.
BILL RICHARDSON, M.C.
ENI FALEOMAVAEGA, M.C.

FOOTNOTES

[1] To date, the Committee has received letters from twenty-two individual tribes, as well as the Intertribal Council of Arizona (representing nineteen Indian tribes), the Bureau of Catholic Missions, the National Congress of American Indians (representing 201 tribes), the Association on American Indian Affairs, the Native American Rights Fund, the National Indian Child Welfare Association, the Indian Child Welfare Law Center, and the United Indians of All Tribes Foundation, all strongly opposing the bill.

[2] H.R. Rep. No. 1386, 95th Cong., 2d Sess. (hereinafter 1978 House Report) 9. H.R. 12533, was introduced in the 95th Congress by Chairman Udall and co-sponsored by a number of committee members including Reps. Miller and Vento.

[3] 25 U.S.C. §1901(2), (3).

[4] 1978 House Report at 9.

[5] Id.

[6] Hearings on S. 1214 before the House Interior and Insular Affairs Subcommittee on Indian Affairs and Public Lands, 95th Cong., 2d Sess. (1978).

[7] 124 Cong. Rec. 38102 (1978).

[8] *Mississippi Band of Choctaw Indians* v. *Holyfield*, 490 U.S. 30, 52 (1988) *quoting In re Adoption of Halloway*, 732 P.2d 962, 969–70 (Utah 1986).

[9] The Act states that ''the States . . . have often failed to recognize the essential tribal relations of Indian people and the cultural and social prevailing in the Indian communities and families. 25 U.S.C. 1901(5).

[10] As stated in the 1978 House Report: ''[T]he dynamics of Indian extended families are largely misunderstood. An Indian child may have scores of, perhaps more than a hundred, relatives who are counted as close, responsible members of the family.'' 1978 House Report at 10. *See also Holyfield* at 35, n. 4.

[11] See *Note, The Best Interests of Indian Children in Minnesota*, 17 American Indian Law Review 237, 246–47 (1992).

[12] Id.

[13] The Supreme Court has rejected attacks against tribal court jurisdiction founded on claims of bias or incompetence, noting Congressional policy promoting the development of tribal courts. See *Iowa Mutual Ins. Co.* v. *LaPlante*, 480 U.S. 9, 19 (1987).

[14] See *Santa Clara Pueblo* v. *Martinez*, 436 U.S. 49, 55–56, (1978), citing *Roff* v. *Burney*, 168 U.S. 218 (1897).

[15] The Guidelines state:

Enrollment is not always required in order to be a member of a tribe. Some tribes do not have written rolls. Others have rolls that list only persons that were members as of a certain date. Enrollment is the common evidentiary means of establishing Indian status, but it is not the only means nor is it necessarily determinative.

Guidelines for State Courts: Indian Child Custody Proceedings, 44 Fed. Reg. 67,586 (Nov. 26, 1979).

RESPONSE TO REPRESENTATIVE PRYCE'S INDIAN ADOPTION ''HORROR'' CASES (H.R. 3286)

Shonna Bear case (Okla.): Case involves Creek Indian woman who wanted to place her child in the custody of the Clarke family. Rep. Pryce says the tribe used ICWA to overturn the mother and adoptive parent's plans and took baby away from adoptive parents. But this case does not involve a misguided application of ICWA. Rep. Pryce leaves out the fact that it was the birth mother who changed her mind (after only 10 days) and decided to keep her baby. Furthermore, ICWA would have been appropriate because both the parents and the baby were Indians. The tribe was involved because the birth mother excluded the father and the father's family from her decisions. This is not a case of the Tribe coming in and using ICWA to take a baby from the non-Indian parents.

Quinn family case (Wash.): Quinn family, seeking to adopt, Indian child, began relationship with 15 year old birth mother seven months prior to birth. Two weeks after birth, mother changed her mind and attempted to enroll in her tribe even though ''she had no connection with her Native ancestry''. The courts eventually ruled for the Quinns after 3½ years. Rep. Pryce leaves out fact that prior to birth mother had been attempting to enroll in her tribe and that Quinn family knew she and the baby were Indian. Not a misapplication of ICWA. Long custody battle could have been avoided had the attorneys provided notice to the mother's tribe. Under ICWA, there was nothing to prevent tribal court from placing the baby with the Quinn family. The point is ICWA was designed to protect Indian heritage and that is what the mother eventually decided was in her child's best interest.

Rost Case (Ohio): The Rosts, a couple from Rep. Pryce's district, sought to adopt twin Indian girls (1/32 Indian degree of blood) from California. Birth parents consented to placement with Rosts. Before adoption finalized, birth father changed his mind and the father's mother enrolled the father and the twins in the tribe. California family court, following ICWA, transferred jurisdiction to tribal court. Appellate court reversed and gave custody to the Rosts. Case is on appeal to the Cal. Supreme Court. *Rep. Pryce leaves out fact that birth father, on advice of the adoption attorney, attempted to hide fact that he was Indian so as to avoid ICWA.* The adoption attorney thought by hiding Indian identity from court, that it would make adoption go smoothly. The whole point of ICWA is to prevent the loss of Indian children by fraud or trickery. It does not matter that children were only 1/32 Indian. Tribes are free to set their own membership requirements and may or may not rely on blood quantum. *Lastly, there is nothing in ICWA to prevent the tribal court from placing twins with Rost family.*

Kayla America Horse Case (Kentucky): Rep. Pyrce states that Indian woman married to native American and had two children. After divorce, woman granted custody. Yet half-brother of father feels he has right to children under ICWA. Rep Pyrce leaves out fact that the tribal court placed Kayla with family on temporary basis, retaining baby as a ward of the tribal court. By express terms of ICWA, tribe retained jurisdiction. Case does not involve retroactive enrollment nor a case where parents or children are not Indian members. Pryce's bill has nothing to do with his situation. As usual, battle is over forum (tribal v. State court) that of custody battle. Tribal court still free to place child with mother.

Ms. PRYCE. Madam Speaker, I yield 1 minute to my friend, the gentleman from New Jersey [Mr. SMITH].

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Madam Speaker, adoption has long been recognized as a loving arrangement for a woman who conceives a child, but is unable to provide her child the care that she knows that the baby needs and deserves.

It seems to me that the last thing that the Federal Government should be doing is to create a situation where a woman faces fewer obstacles if she aborts her son or daughter than if she chooses to place her child in an adoptive fashion. As it is, the consent of the biological father is needed for adoption, but not abortion.

But the Indian Child Welfare Act further exacerbates this treatment of the two options. If the baby has even the remotest link to Indian ancestry, the tribe can intervene and disrupt an adoption plan, no matter how little, if any, contact the mother or father has had with the tribe.

Under the Indian Child Welfare Act, a mother pursuing adoption is not in control of whether her child is placed with a family of her own faith or background or values, nor is she able to make any other important decisions regarding her child's future. If she wishes to relinquish her parental rights in order to pursue an adoption plan, she may lose control of her child's future, to persons unrelated, and who may not even care about that child.

Madam Speaker, I support this very important legislation that is being offered.

Mr. RICHARDSON. Madam Speaker, I yield 1 minute to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Madam Speaker, I rise today in strong support of the Young-Miller amendment to strike.

Madam Speaker, I want to quote to you from a young man sitting beside me today, who is a Navajo adopted child. He said to me, ''I more than anyone else understand the importance of ICWA, that the best interests of an Indian child include being part of his culture. I cannot stand people,'' he says, ''telling Indian people, including my tribe, what is best for Indians like me.''

The gentleman from Alaska [Mr. YOUNG] is right. The Indian people are the only U.S. citizens who carry dual citizenship. He is right, they are the only people who are fully protected as a special class under the U.S. Constitution. Since ICWA in 1978, we know of only 40 contested Indian adoption cases, and those were almost all the result of willful violations of the act.

What is happening today is we are trying to change ICWA to protect, to protect, incompetent lawyers. The ICWA amendment ignores the important role of the extended family in Indian culture, and it will result in massive litigation.

Madam Speaker, this legislation has not had a day of hearings. I urge my colleagues to vote for the Young amendment and vote for the U.S. Constitution.

Mr. YOUNG of Alaska. Madam Speaker, I yield 45 seconds to the gentleman from Nebraska [Mr. BEREUTER].

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

Mr. BEREUTER. Madam Speaker, this Member rises today to express his opposition to the proposed changes to the Indian Child Welfare Act.

I would grant that changes are needed, but this proposal was written with no consultation with American Indian tribes or organizations or the House Resources Subcommittee on Native American and Insular Affairs. You may be surprised to know that no tribe or Indian organization supports this provision. If there is a need to amend the Indian Child Welfare Act, hearings should be held, and tribes and Indian organizations should be consulted. The original law was written with great care and any potential amendments should be written in the same way.

The proposal is just too broadly written, giving State courts subjective authority to define who is a member of an American Indian tribe, rather than the tribe, in child custody and adoption cases. The proposal amends the Indian Child Welfare Act to require the child's biological parent or parents of Indian descent to maintain a ''significant social, cultural, or political affiliation'' with his or her Indian tribe. A State court would determine what comprises the definition of this term. Additionally, the measure does not take into consideration extended members of the child's family. Generally, in adoption, foster care, or child custody cases, it is agreed to be better for the child to be placed with a relative than with total strangers, if possible. This proposal seems to give preference to total strangers rather than members of the child's own family.

Madam Speaker, in closing, you should know that this Member is a very strong supporter of adoption and is in fact himself an adoptive parent. However, this provision, if left in the bill, subject to extensive litigation will only serve to needlessly delay adoptions of Indian children.

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Ms. PRYCE. Madam Speaker, I yield 2 minutes to my good friend, the gentleman from Indiana [Mr. BURTON], an adoption advocate for this country who works so hard on the issue.

Mr. BURTON of Indiana. I thank the gentlewoman for yielding me this time.

Madam Speaker, did my colleagues know there has been an increase in the number of Indian children in foster care to the tune of 25 percent since ICWA was passed? I submit that one of the reasons is because of the uncertainty of an adoptive parent, whether or not they are going to have litigation problems and maybe lose that child a year or two after they adopt them.

Can my colleagues imagine wanting to adopt a child and they say, well, this child has one sixty-fourth Indian blood in them and because of that they may have a problem down the road with the tribe. And so the parent says, well, I want to adopt a child desperately, but am I going to have to pay $200,000 or $300,000 down the road to keep this child? Am I going to have roots grow in the family and love and cherish this child and have it taken away after 2 years?

And I tell Members, that happens. That actually happens. We had a case, I would say to the gentlewoman from Ohio [Ms. PRYCE], at a hearing we had this week, we had a family that adopted two children, and they did not even know these children had one sixty-fourth Indian blood, one sixty-fourth. And after 2 years, the tribe said we want those children back. The children had established roots, the parents loved the kids, the kids loved the parents, and here they were taking the kids away.

That family has spent $300,000. They have almost lost their home because they had to mortgage it. And the case goes on and on and on, and those parents live in a nightmare, a living hell because they may have their kids taken away from them. That is wrong.

Now, I understand what my good friend, the gentleman from Alaska, DON YOUNG, is trying to do. He wants to protect the Indian tribes. But there is a bigger issue: the adoptive parents and the kids. I was in a guardian's home. I know what it is like to watch these kids go into foster care and spend years without hope and I can tell my colleagues, it is a hell.

For us to say to parents that adopt a child, we are going to take your kids away after 2 years because they are one sixty-fourth Indian, is dead wrong. And to ask them to spend $200,000 or $300,000 defending themselves and still lose their child is wrong. This amendment needs to be defeated.

Mr. RICHARDSON. Madam Speaker, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY], a distinguished member of the Committee on Resources.

Mr. KENNEDY of Rhode Island. Madam Speaker, the American Indian nations, to a nation, are opposed to this bill in its current form if we do not support the Young-Miller amendment to strike section 3. To a nation. This, to me, represents a shameful day if this Congress continues the shameful pattern of ignoring and stepping on the rights of native Americans in this country.

Madam Speaker, there is a reason why this bill did not come in the current form that it is in from committee, because the Committee on Resources, who has jurisdiction over this issue, decided that we need to make sure that we consult with native American nations on what is their sovereign issue when it comes to this issue.

Ladies and gentlemen of the House, please support the Young-Miller amendment.

Ms. PRYCE. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. MCHALE].

Mr. MCHALE. Madam Speaker, it is obvious from the comments that have been made in the past few minutes on both sides of the aisle that there are compassionate, well-intentioned Members arguing on each side of this case. I rise in strong opposition to the Young amendment and in support of title III of the Adoption Promotion and Stability Act as currently written.

This title seeks to provide protection and stability to children once they have been placed in loving adoptive families. Madam Speaker, I abhor the prejudice suffered by native Americans, and I am sympathetic to the safety net necessary to protect the rights of children which prompted Congress to enact the Indian Child Welfare Act of 1978. This program was desperately needed at the time that it was enacted.

However, Madam Speaker, it is abundantly clear to me that the Indian Child Welfare Act is failing the very children it was intended to protect. The unfairness of this issue was brought home to me in the case of twin Native American children adopted by the sister of a personal friend. The birth parents, unmarried at the time, signed all relevant paperwork surrendering their rights to the children. They also signed sworn affidavits to the effect that neither they nor their children were members of an Indian tribe.

When they went to finalize the adoption after the requisite 6-month waiting period, the children's tribal parents decided they wanted to exercise their custodial rights. These twin girls are almost 3 years old now, and the case is still in litigation pending before the State supreme court.

This case happened even though the children are only one thirty-second native American, Madam Speaker, because one of their great-great-great grandparents was in fact native American. As a result, these children may be taken away from the only home that they have ever known. This case is tragically indicative of the heartbreak and emotional suffering which many adoptive parents and children endure under this misapplied law.

Therefore, Madam Speaker, I urge my colleagues on both sides of the aisle, recognizing that Members of good faith and motivated by compassion can reach a different conclusion, I urge Members on both sides of the aisle to oppose the Young amendment and to sustain title III as written in the bill.

Mr. RICHARDSON. Madam Speaker, I yield 1 minute to the gentleman from Pennsylvania [Mr. FATTAH].

Mr. FATTAH. Madam Speaker, I rise to suggest that, first of all, these atrocious cases that are pointed out as the rule are really the exception, and that if there had been a hearing, then we would know that we should not take this action.

I rise in support of the Young-Miller amendment, and I think that in respect to our responsibilities to respect the sovereignty of the Indian nations and their relationships with our Government, that we should tread lightly as we go forward here. And even though they may be well-intentioned, the proponents of this effort may be well-intentioned, it is misguided, at best.

Madam Speaker, I would hope that the Members of this House would honor our responsibility and oath to the Constitution and respect the agreements and the laws of our country as relates to our relationships with the sovereign Native American nations.

Ms. PRYCE. Madam Speaker, I yield 5 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Speaker, I just want to make it very clear that I am urging Members of this Chamber to vote no on the motion to strike and to support the underlying language, the Pryce language, that is included in the bill.

Mr. YOUNG of Alaska. Madam Speaker, I yield 45 seconds to the gentleman from Michigan [Mr. CAMP].

Mr. CAMP. Madam Speaker, I rise in support of the Young amendment to strike title III. Congress, in a long line of case law, provides Native American tribes with sovereign control of their affairs, and that includes the care and protection of their children. It is the tribes themselves who can best determine when children are native American and when the protections of the Indian Child Welfare Act apply.

Tragic adoption cases are far more common in non-Indian settings, but the solution is not to reverse a long line of precedent. Keep Indian families together, support the Young amendment to strike.

Mr. RICHARDSON. Madam Speaker, how much time is remaining on all sides?

The SPEAKER pro tempore (Mrs. MORELLA). The gentleman from New Mexico [Mr. RICHARDSON] has 1½ minutes remaining; the gentlewoman from Ohio [Ms. PRYCE] has 2½ minutes remaining; and the gentleman from Alaska [Mr. YOUNG] has 1¾ minutes remaining.

Mr. RICHARDSON. Madam Speaker, I yield myself the remainder of my time.

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

Mr. RICHARDSON. Madam Speaker, first of all, this is a good bill and we should all support it, but we should support the Young amendment because the Young amendment basically says to the Indian people and Indian children and Indian families that we are going to consult with them; that we want their views on the future of their children.

The gentleman has pledged in June to deal with this legislation. This is not about white people not being able to adopt Indian children. That can happen. A tribal court can designate any kind of child with any family. Members are citing horror stories as if the horror stories are only with Indian courts. There are horror stories are only with Indian courts. There are horror stories in State courts; in all courts.

Madam Speaker, we have a special relationship with Indian tribes. They are sovereign nations within our borders. They serve in the military. They pay taxes. What we have is an unbridled attempt, regrettably, unintentional, I believe, to take away their sovereignty by saying that we, non-native Americans, are going to deal with your family values. We are going to decide your future.

Some of my colleagues may have heard about the young man who is the Navajo counsel to the Committee on Resources. He feels that he lacked the connection to his tribe because of the adoption. He supports the Young amendment. Let us consult with the tribes. There are 538 tribes, and not a one has been consulted about this bill. They oppose this provision.

Madam Speaker, the right thing to do, so that we do not have litigation, so that we do not have this bill tied up in knots and make lawyers rich, is to support the Young amendment. It is the right thing to do.

Madam Speaker, I rise because I believe in the right of Indian children and Indian tribes to be heard. As we have moved forward with this legislation, their voices have been distinctively absent.

No one wants to see drawn out, hostile, and tragic adoption cases involving Indian children. But we need to think carefully about what we're doing and how it will affect not only the Indian children but the tribes themselves and future generations of Indians. So far we have not done so, and that is why the Resources Committee that I serve on voted to strike title III from the bill. And that is why I urge my colleagues to vote for this amendment.

We did not strike these provisions lightly. Rather we did so for two reasons, both of them critical.

First we struck title III because it goes to the heart of the act—the survival of Indian cultural and the future of their children. But, in an amazing act of presumption, not a single tribe in the country was ever consulted. Certainly you understand that we have a trust responsibility to protect Indian tribes and their resources. Congress in passing the Indian Child Welfare Act, and the Supreme Court in the 1988 Holyfield case, both recognized ''that there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.''

Yet we are being asked to make major changes to the act without any tribal consultation whatsoever or even a single hearing. Every tribe in the country opposes this bill. Indian tribes don't want to see tragic adoption cases any more than you do and are willing to work in a deliberate and constructive manner to prevent them from happening. But they resent being told in a paternalistic manner that they should simply sit back and accept what is good for them. This legislation, which is a reflection of that attitude, is straight out of the era of the Great White Father and the Indian tribes want none of it.

Second, the committee disagreed with title III because it adds additional requirements for Indian parents to meet before the protections of the act, namely tribal court jurisdiction, kick in. I think it is especially important to remember that while the act sets up adoption preferences it gives tribal and State courts great latitude to make any placement they want, including placement with non-Indian families, as long as there is good cause. In fact, that is exactly what happened in the 1988 Holyfield case. I disagree with the assumption that tribal courts are bound to make wrong or misguided decisions in these case.

We were also concerned that changing the coverage requirements is not only going to exclude certain bona fide Indian children from the act's coverage, but will move the determination back from tribal courts into state courts. We passed the act in 1978 in response to the State courts' inability to grasp the nature of Indian culture.

We also disagree with title III because it would tie membership and coverage to written consent and enrollment when Indian tribes themselves do not. By focusing on the degree of Indian blood, the sponsors miss the fact that Indian tribes, as sovereign governments, have the right to set membership requirements on their own terms.

The title's heavy reliance on the parents' contacts with the tribe entirely misses the important role of the child's extended family. In Indian culture the extended family has a special role in caring for Indian children. They are the first line in representing the tribe's interest in that child and in nearly every instance when they have knowledge of a case are willing to adopt Indian children when their natural parents can't take care of them. This is a major point—unlike other minority adoption cases where there are often no prospective adoptive families, in Indian country there are more than enough relatives and families who are willing to assume custody of Indian children.

ICWA passed because we recognized that there should be someone to speak for the tribe, and for the child's interest in his or her

heritage. It should be clear that tribal courts, not state courts, are going to be in a better position to recognize this as well as be in contact with a child's relatives. The reason this is so important is because that knowledge will promote quicker foster care or adoptive placements of Indian children, something directly in their best interests.

Although I feel that the rate of troubling cases involving Indian adoptions is being overstated, I believe that even one such case is more than enough. But most of these cases have to deal with people trying to avoid the law and circumvent the equally important interest of the tribe in the child. That interest is central to the act and must be preserved. I know that the committee and the Indian tribes are willing to work with the bill's sponsors, but at the same time I cannot ignore this Nation's trust responsibility to Indian tribes and agree to legislation like this.

Madam Speaker, I include for the RECORD the following information:

THE SECRETARY OF THE INTERIOR,
*Washington, DC, May 7, 1996.*

Hon. GERALD B.H. SOLOMON,
*Chairman, Committee on Rules,*
*Washington, DC.*

DEAR MR. CHAIRMAN: In a letter to the Speaker, the President has stated his strong support for H.R. 3286 and its purpose of encouraging the adoption of children. However, in our role as trustee for Indians and Indian tribal governments, we would have serious concerns if an amendment were offered to H.R. 3286 for the purpose of amending the Indian Child Welfare Act of 1978 (Public Law 96–608). These concerns are addressed below.

The United States has a government-to-government relationship with Indian tribal governments. Protections of their sovereign status, including preservation of tribal identity and the determination of Indian tribal membership, is fundamental to this relationship. The Congress, after ten years of study, passed the Indian Child Welfare Act (ICWA) of 1978 (P.L. 96–608) as a means to remedy the many years of widespread separation of Indian children and families. The ICWA established a successful dual system that establishes exclusive tribal jurisdiction over Indian Child Welfare cases arising in Indian country, and presumes tribal jurisdiction in the cases involving Indian children, yet allows concurrent state jurisdiction in Indian child adoption and custody proceedings where good cause exists. This system, which authorizes tribal involvement and referral to tribal courts, has been successful in protecting the interests of Indian tribal governments, Indian children, and Indian families.

The ICWA amendments proposed in Title III of H.R. 3286, as introduced, would effectively dismantle this carefully crafted system by allowing state courts, instead of tribal courts with their specialized expertise, to make final judgments on behalf of tribal members. Such decisions would adversely affect tribal sovereignty over tribal members as envisioned by the ICWA and successfully implemented for the past 18 years.

We therefore urge the committee to disallow the reintroduction of Title III into this bill.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

BRUCE BABBITT.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
*Washington, DC, May 10, 1996.*

Hon. NEWT GINGRICH,
*Speaker of the House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: This letter presents the views of the Justice Department on H.R. 3286, the ''Adoption Promotion and Stability Act of 1996.'' We strongly support H.R. 3286 without the inclusion of title III. We also recommend that title II be modified to address the concerns below.

Title II: Section 201(a) of H.R. 3286 would allow any person denied the opportunity to be an adoptive or foster parent on the basis of race, color or national origin by a State, or any person aggrieved by a State's discrimination in making a placement decision in violation of the Act to sue the State in Federal court. To ensure that the immunity from suit granted States by the Eleventh Amendment does not prevent individuals from vindicating this right, we suggest that the bill include a provision clarifying that section 201 is enacted pursuant both to Congress' authority under section 5 of the Fourteenth Amendment and to its spending power under article I of the Constitution. Alternatively, section 201 could be modified to expressly require a State to waive its Eleventh Amendment immunity from suits brought pursuant to H.R. 3286, as a condition of receiving Federal payments for foster care and adoption assistance.

Title III: A. Detrimental Impact on Tribal Sovereignty. The proposed amendments interfere with tribal sovereignty and the right of tribal self-government. Among the attributes of Indian tribal sovereignty recognized by the Supreme Court is the right to determine tribal membership. *Santa Clara Pueblo* v. *Martinez,* 436 U.S. 49 (1978). Section 302 of H.R. 3286 provides that membership in a tribe is effective from the actual date of admission and that it shall not be given retroactive effect. For persons over 18 years of age, section 302 requires written consent for tribal membership. Many tribes do not regard tribal enrollment as coterminous with membership and the Department of Interior, in its guidelines on Indian child custody proceedings, has recognized that ''[e]nrollment is the common evidentiary means of establishing Indian status, but is not the only means nor is it necessarily determinative.''[1] Through its membership restrictions, H.R. 3286 may force some tribal governments to alter enrollment and membership practices in order to preserve the application of the ICWA to their members.

B. Detrimental Impact on Tribal Court Jurisdiction. H.R. 3286 would amend the ICWA to require a factual determination of whether an Indian parent maintains the requisite ''significant social, cultural, or political affiliation'' with a tribe to warrant the application of the Act. Title III fails to indicate which courts would have jurisdiction to conduct a factual determination into tribal affiliation. To the extent that State courts would make these determinations, H.R. 3286 would undercut tribal court jurisdiction, an essential aspect of tribal sovereignty. *See Iowa Mutual Ins. Co.* v. *La Plante,* 480 U.S. 9, 18 (1987). Reducing tribal court jurisdiction over Indian Child Welfare Act proceedings would conflict directly with the objectives of the ICWA and with prevailing law and policy regarding tribal courts.

The President, in his Memorandum on Government-to-Government Relations with Native American Tribal Governments (April 29, 1994), directed that tribal sovereignty be respected and tribal governments consulted to the greatest extent possible. Congress has found that ''tribal justice systems are an essential part of tribal governments and serve as important forums for ensuring public health and safety and the political integrity of tribal governments.'' *See* Indian Tribal Justice Act, 25 U.S.C. 3601(5). Retaining ICWA's regime of presumptive tribal jurisdiction is crucial to maintaining harmonious relations with tribal governments, to ensuring that the tribes retain essential features of sovereignty and to guarding against the dangers that Congress identified when it enacted ICWA in 1978.

Thank you for the opportunity to comment on this matter. If we may be of additional assistance, please do not hesitate to call upon us. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
*Assistant Attorney General.*

[1] Guidelines for State Courts: Indian Child Custody Proceedings, 44 Fed. Reg. 67,586 (Nov. 6, 1979).

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STATE OF NEVADA,
EXECUTIVE CHAMBER,
*Carson City, NV, May 8, 1996.*

Hon. NEWT GINGRICH,
*Speaker, The House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: I am writing in opposition to H.R. 3286, which is designed to amend the Indian Child Welfare Act (ICWA). This legislation strives to redefine which off-reservation child custody cases should be considered under the Indian Child Welfare Act. As the Governor of a state that has taken several proactive steps to guarantee efficient enforcement of the ICWA, I feel compelled to express my opposition to this legislation.

As you know, the ICWA grants tribal governments the option to hear Indian child custody cases for families they recognize as having a relationship to the tribe but do not live on the tribe. It is the intent of the ICWA to give Indian children every opportunity to maintain their cultural background and give them the ability to grow up as Indian people. Trying these cases in Indian courts is a significant measure for ensuring these goals.

H.R. 3286 changes the definition of off-reservation families who may be able to have their case heard by a tribal government. Under this amendment, one of the parents of the child must be of ''Indian descent.'' In addition, the amendment requires a subjective ''significant social, cultural, or political affiliation with the Indian tribe.'' It would no longer be up to the Indian family and the tribe to determine if a bona fide relationship between the two exists. Instead, state and private custody workers would have to interpret the guidelines outlines in H.R. 3286 to determine if the case could be heard in a tribal court. This interpretation will undoubtedly be challenged in court. Rather than decreasing litigation under the ICWA, this amendment will likely increase litigation.

When fully complied with, the ICWA effectively places Indian children with caring families. The State of Nevada has worked hard to ensure that the ICWA is complied with, and proper compliance has successfully placed Indian children in proper homes, I do not support the passage of H.R. 3286, which will complicate the placement and adoption of Indian children.

Thank you for your consideration.

Sincerely,

BOB MILLER,
*Governor.*

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WHY TITLE III OF H.R. 3286 IS BAD FOR INDIAN CHILDREN

Title III of H.R. 3286 is bad for Indian children and the future of Indian tribes. The

title would limit the ability of tribal courts to place Indian children in loving families and would allow state courts to take over the placement of Indian children against the wishes of Indian tribes. Lost in the controversy is the voice of the Indian children. We need to speak up for them.

Procedural problems: Title III goes to the heart of the Indian Child Welfare Act (ICWA), the protection of Indian children, yet its sponsors did not bother to consult with even a single Indian tribe before trying to rush it through the House. Congress has a trust responsibility to protect Indian tribes and their resources. Congress passed ICWA because ''there is no resource that is more vital to the continued existence and integrity of Indian tribes than their children.'' Not a single tribe in the country supports this bill. Indian tribes do not want to see tragic adoption cases any more than the rest of us and are willing to work in a constructive manner to prevent them from happening. But Indian tribes resent the sponsors' paternalistic attitude, straight out of the era of the Great White Father, and that is why the Resources Committee struck Title III. Would Congress pass an adoption law affecting California without first consulting the state?

Substantive problems: Congress enacted ICWA to stop the removal of Indian children from their tribes and to ensure the long-term cultural survival of those tribes. To do so, ICWA guards not only the interests of Indian children but also the interests of Indian tribes in those children. Title III harms the former and ignores the latter.

ICWA works well. Indian children have been placed in loving homes and the removal of children from their culture has diminished. Unlike other minority cases, there is no shortage of families willing to adopt Indian children. Less than one-half of one-tenth of all Indian adoption cases since passage of ICWA have caused problems. Focusing on a handful of cases ignores the fact that most of these ''problem'' cases are the direct result of willful violations of ICWA and can be solved through greater notification requirements and sanctions.

Title III eliminates tribal court jurisdiction in off-reservation adoption or foster care cases unless a parent is a member of a tribe and can prove ''significant social, cultural or political affiliation'' with that tribe. Focusing on the parents' contacts with the tribe entirely misses the importance of the extended family in Indian culture. The extended family has a special duty to care for that child. If given notice, in 99% of the cases there is always a relative who is more than glad to raise an Indian child when his parents cannot. Title III misses that point that those relatives have strong or significant ties to the tribe.

By limiting tribal court jurisdiction in off-reservation cases, Title III will slow down the adoption process for Indian children. ICWA was passed because tribal courts are naturally in a better position than state courts to know whom an Indian child's relatives are and can thus more quickly assure the placement of Indian children in caring families. The ''significant affiliation'' test gives back to state courts the primary role in off-reservation cases.

Title III's vague terms are likely to cause an increase in litigation further delaying Indian adoptions. In addition, replacing a simple objective political test—membership—with a complex and subjective cultural identity test may be unconstitutional.

Eliminating retroactive enrollment will exclude certain bona fide Indian children and parents from the Act's coverage. Few tribes have the funds to enroll children at birth and many Indian parents are teens who have not enrolled because they have not sought Indian Health Service care or BIA scholarships.

In nearly every case cited by Rep. Pryce, the real issue is not custody but whether the proper forum for the dispute is in tribal or state court. Her premise is that a tribal court will abuse ICWA and only place Indian children with Indian families. That is not the law nor is that what tribal courts have done as a matter of practice.

Degree of Indian blood is not an issue. Indian tribes, as governments, have the right to set membership requirements on their own terms. The second largest tribe in the country, the Cherokee Nation, does not use blood quantum for membership.

Rep. Pryce's allegations assumptions are erroneous. For instance, ICWA does not give tribes ''final say'' in adoption proceedings. Contrary to her assertions, ICWA was intended to apply to voluntary proceedings. It is not true that there are judicial abuses of ICWA in every member's district. And her changes to ICWA are anything but ''minor''.

Indian tribes have already suffered enough loss. Why can't Congress work on making their lives better rather than taking even more away from their culture? When ICWA is followed by all of the parties and when tribal concerns are taken into account in determining the best interests of the child, ICWA works for Indian children. We should not let passage of this title turn back the clock to the point where we once again see tragic stories of Indian children taken away forever from their culture.

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EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

*Washington, DC, May 9, 1996.*

STATEMENT OF ADMINISTRATION POLICY

H.R. 3286—THE ADOPTION PROMOTION AND STABILITY ACT OF 1996

The Administration strongly supports H.R. 3286, without the inclusion of Title III. Today, families who seek to adopt children face significant barriers, including high adoption costs and outdated assumptions. The Administration is deeply committed to removing these barriers and making adoption easier. The Administration strongly supports the bill's $5,000 per child adoption tax credit. The tax credit will alleviate a primary barrier to adoption and enable middle class families, for whom adoption may be too expensive, to adopt children. The Administration also supports the adoption and foster care provisions in Title II of the bill. These provisions are consistent with the Administration's current policy.

The Administration strongly supports passage of a Young amendment, which has bipartisan support, to strike Title III from the bill. Title III would allow State courts to pre-empt tribal governments in decisions regarding the custody of Indian children. These provisions raise serious concerns because they would impinge on Indian tribal sovereignty, including the right of tribal courts to determine internal tribal relations.

The Administration will work with Congress to identify more suitable offsets to the lost tax receipts resulting from the bill's adoption tax credit. The Administration opposes the offset provision that would repeal the income exclusion for utility payments to businesses for energy conservation investments; the provision would effectively increase the taxes on these investments. By ending an important market-based incentive to conserve energy, the provision would undercut our ability to achieve clean air and energy security. The bill's other offset—tightening the reporting requirements for U.S. holders of foreign trusts—is included in the President's balanced budget proposal for purposes of deficit reduction.

*Pay-as-you-go scoring*

H.R. 3286 will affect receipts; therefore it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate is presented in the table below. Final scoring of this legislation may deviate from this estimate.

*Pay-as-you-go estimate*

[Receipts in millions]

| | *Receipts* |
|---|---|
| 1996 | +$110 |
| 1997 | +318 |
| 1998 | +224 |
| 1999 | +154 |
| 2000 | +99 |
| 2001 | +56 |
| 2002 | +16 |
| 1996–2002 | +977 |

FEDERAL BAR ASSOCIATION,

*Washington, DC, May 9, 1996.*

Re proposed Indian Child Welfare Act Amendments, H.R. 3286 (Title III) and H.R. 3275.

DEAR CONGRESSMAN YOUNG: On behalf of the Indian Law Section of the Federal Bar Association, I would like to register the Section's opposition to the amendments to the Indian Child Welfare Act of 1978 that have been proposed in Title III of H.R. 3286, and in H.R. 3275. It is our understanding that H.R. 3286 was introduced yesterday, and that a floor vote will be taken later on this evening.

While the Indian Law Section may, in the future, articulate a position regarding the substance of the amendments that have been introduced, at present the Section adamantly opposes passage of the legislative amendments simply because the manner in which they have been introduced is wholly inappropriate—and dangerous. It is our understanding that members of the House of Representatives have introduced these amendments without notifying Native American leaders of the proposed amendments, and without offering the Native American community, and those attorneys and other individuals who work on behalf of Native American children, an opportunity to offer testimony to the Congress regarding the impact that these amendments will have on those Native American children. If, in fact, members of the House of Representatives are truly concerned with amending the Indian Child Welfare Act so that it more adequately addresses all of the needs of those Native American children who must be removed from their families, it would be more appropriate that Congressional representatives conduct hearings regarding any proposed amendments—rather than acting emotionally in response to a few cases that have received national press. It is imperative that our Representatives in Congress act responsibly, and responsively, when making decisions of such import on behalf of any children. It cannot be disputed that informed decisions—ones that reflect careful and considerate thought—require tremendous commitments of time, and necessitate gathering information from all sectors of the community who have information relating to the matter at hand. I am particularly bothered by the fact that decisions affecting children—decisions that will affect those children's lives, and the lives of their own children, and their children's children—are being made in such haste. As someone who has litigated literally hundreds of Indian Child Welfare Act cases over the years, I am not unaware that there are problems that could be addressed by amending the Act. Yet, as a children's advocate, I am appalled that anyone within the House of Representatives believes that these problems could—and should—be addressed without careful consideration.

We implore you to persuade your colleagues to refrain from voting in favor of these proposed amendments, and to offer the community an opportunity to respond intelligently and thoughtfully to these issues.

Sincerely,

DONNA J. GOLDSMITH,
*Deputy Chairperson,*
*Indian Law Section.*

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SUPPORT THE YOUNG-MILLER AMENDMENT—STRIKE TITLE III FROM H.R. 3286

Title III is a major rewrite of the most important provisions of the Indian Child Welfare Act done without a single hearing or discussion with even one of the 557 Indian tribes this bill affects!

The Administration strongly opposes this title.

Do not be misled. ICWA works. ICWA protects the rights of Indian children and the future of Indian tribes. Under ICWA, thousands of Indian children have been placed in caring Indian and non-Indian homes.

We should not rewrite a good law simply because of a handful of unusual cases. Tragic adoption cases are far more common in non-Indian settings. States have a terrible record in adoptive and foster care placements. Yet that is where title III's sponsors want Indian cases to go.

Amost all of the tragic cases are the direct result of willful violations of ICWA by attorneys, not because of problems with ICWA.

Unlike other minority cases, there is no backlog of Indian children waiting in foster care. In Indian culture, extended families have a special duty to children and in 99% of the cases a relative will agree to assume custody.

ICWA has nothing to do with a tribe taking away Indian children from their parents. The real issue is which court—state or tribal—is in best position to make a placement decision. Title III assumes tribal courts cannot make fair decisions. That is not the case. Any court, state or tribal, is free to place an Indian child with a non-Indian family with good cause.

Title III will slow the adoption of Indian children. ICWA was enacted because tribal courts are in a better position than state courts to identify an Indian child's family and quickly place them in permanent homes.

GEORGE MILLER.
DON YOUNG.

Ms. PRYCE. Madam Speaker, I yield 2 minutes to the gentleman from the great State of Texas, Mr. TOM DELAY, our Republican whip.

Mr. DELAY. Madam Speaker, I rise in reluctant opposition to this amendment offered by my good friend, the gentleman from Alaska [Mr. YOUNG]. He is a vigorous advocate for his constituents and I know he has the best intentions with his amendment, but I urge my colleagues to support the provision of the gentlewoman from Ohio and vote against this amendment.

History has been cruel to many Native Americans, and there is no doubt that the past treatment of American Indians still plays on the minds of the people who support this amendment. But today we must not only look at the past but also to the future. More specifically, we must look to the future of the children who have been victimized by the well-meaning regulations stemming from the Indian Child Welfare Act. Reform of this act is necessary. Simple fairness dictates that conclusion.

I look forward to continuing to work with all concerned parties in conference where we can work out our differences, but the Young amendment is the wrong approach to finding that agreement in conference. Children who have no significant affiliation with any particular tribe and who are adopted by loving parents should not be unfairly taken from those parents.

Prolonging any child's stay in foster care, when there are moms and dads just waiting to care for that child, simply because they may have a fraction of ethnic blood different from that of the parent, is just plain wrong.

A member of my staff was adopted after being in various foster homes for the first 6 months of her life. It was later discovered that she had one-sixteenth Indian blood. Had the Indian tribe interfered with her adoption, she would have ended up trapped in foster care, bounced around from one temporary home to the next, and possibly been prevented from ever having a stable and loving family to help care for her. She was one of the lucky ones. Many others are not so lucky.

My friends and colleagues, these adoption reforms are based on fairness. It is time that we start making the children's welfare our top priority. Vote no on the Young amendment.

Mr. YOUNG of Alaska. Madam Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT].

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

Mr. BOEHLERT. Madam Speaker, I rise in strong support of Chairman YOUNG's effort to strike title III of this bill.

Title III is a classic case of legislative overkill and an attempt to circumvent standard House procedures at a time when this body is dedicated to avoiding both those legislative sins.

Title III was included in this bill without any substantive hearings and over the strong bipartisan objections of the committee of jurisdiction. More importantly, it was pushed forward without any consultation with any Indian tribes, such as the Oneidas in my district, even though the tribes are the entities most directly affected. Contrast that with the numerous hearings and scrupulous research that went into drafting ICWA, and you can see why we try to have standard procedures around here.

The proponents of title III complain about ICWA's unintended consequences—which are rare—but they say nothing about the unintended consequences of their own provision—which are systemic. Title III would complicate adoption proceedings, and could return us to the problems that led Congress to pass ICWA in the first place—State courts taking away Indian children.

Madam Speaker, no one can gainsay the emotional damage done in the cases cited by title III's proponents. But title III goes far beyond what is necessary to correct those problems. Title III is clearly an instance where a hard case has made bad law. Vote to strike title III.

□ 1130

Ms. PRYCE. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, there has been much talk about circumventing the committee process and no hearings and no input. Madam Speaker, I tried for over a year to consult with the committee to try to get input from the tribes and their organizations. I have written letters. I have held meetings to which nobody appeared.

Madam Speaker, it was very obvious that we cannot get this through the committee. That is why it did not go that way.

Congress made this mess 20 years ago. It is up to us to pass this very minimal change in ICWA to correct it. If it does not pass now, we will have the status quo for another 5 years.

I pledge to the chairman, if this passes today, I will work with him through the conference process to get this ironed out so that it can be satisfactory to all involved, when I finally can have the input of the committee and the Indian nations so that we can come to the correct solution to this terrible tragic problem.

The SPEAKER pro tempore (Mrs. MORELLA). The gentleman from Alaska [Mr. YOUNG] has 45 seconds remaining.

Mr. YOUNG of Alaska. Madam Speaker, I yield 45 seconds to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Madam Speaker, this issue is a divisive issue that we are debating here on the House floor. There is no one single Utopian answer for the problems that we are now experiencing. The history of America's involvement with Native Americans has been rife with hatred, violence, bitterness, limited streams of compassion, and it has all rested on the pillars of apathy.

The children that the gentlewoman from Ohio [Ms. PRYCE] represents should stay with that family. Anybody that is like that situation should stay with the family. We should have no problems with people piling up in foster homes because of limited connections with anybody, even American Indians, Native Americans. What we need to do as a body, as a Congress, is have some sense of knowledge on this subject.

I will tell the gentlewoman from Ohio [Ms. PRYCE] and the gentleman from Alaska [Mr. YOUNG] that I will work in the intervening month between now and when the Indians meet in about a month to ensure that there are corrective changes.

The SPEAKER pro tempore (Mrs. MORELLA). The time of the gentleman from Maryland [Mr. GILCHREST] has expired.

Mr. GILCHREST. Madam Speaker, I ask unanimous consent to proceed for an additional minute.

The SPEAKER pro tempore. The Chair is unable to entertain that request. The time is controlled pursuant to House Resolution 428.

Mr. GILCHREST. Madam Speaker, I will assure Ms. PRYCE that we will work to make sure those particular incidents, no matter how few or no matter how many, are corrected.

Ms. PRYCE. Madam Speaker, I yield such time as she may consume to the gentlewoman from Idaho [Mrs. CHENOWETH].

(Mrs. CHENOWETH asked and was given permission to revise and extend her remarks.)

Mrs. CHENOWETH. Madam Speaker, I rise in opposition to the motion to strike title III.

I understand the Indian Child Welfare Act originated out of concern that there were large scale efforts to remove Indian children from their homes and place them for adoption for unwarranted reasons.

Unfortunately, the interpretation of this law has resulted in tragic consequences for children across this country. In my district, a non-Indian woman and Indian man gave their child up for adoption to Leland and Karla Swenson of Nampa.

Even though the Indian father's parental rights were terminated by the court, his tribe, the Oglala Sioux of South Dakota, intervened in the adoption case and appealed the adoption.

Idaho Legal Aid, which is funded by Legal Services Corporation, stepped in to represent the tribe, which turned into a 6-year nightmare for the adoptive parents, who have sold their home, their farm, and their belongings to fight this case. The non-Indian mother never challenged the adoption, and in fact, objected to the tribe intervening.

It's important to keep one thing in mind—in this case, the Indian father abandoned his child. He never appeared for any of the hearings relating to the adoption and subsequent tribal action. It was the tribe, not the Indian father, who continued to appeal the adoption through the tribal and State courts, at enormous taxpayer expense. Just whose interests were they serving? Certainly not the child's.

I applaud Ms. PRYCE's efforts to try to correct the inequities in this act, and my heart goes out to the family in her district that have had legitimate adoptions disrupted because of the Indian Child Welfare Act. I have been contacted by Native Americans in Alaska and Montana that agree that the Indian Child Welfare Act needs to be amended.

After a long, heartwrenching battle, the Idaho Supreme Court ruled in favor of the Swensons keeping the child.

This is not an anti-Indian bill, it's a pro-child bill. Ms. PRYCE's bill intends to correct the tragic abuses of adoption that are occurring across the country, and I applaud her efforts.

Mrs. VUCANOVICH. Madam Speaker, I offer my support to the Young amendment to H.R. 3286 which would strike title III, a provision which makes significant changes to the 1978 Indian Child Welfare Act.

ICWA was designed to prevent the wholesale separation of Indian children from their families, and was only passed into law after 10 years of careful study and close cooperation between Indian tribes and Congress.

Unfortunately, title III will add a new subjective determination of who is, and who is not, an Indian by allowing courts to decide what constitutes being culturally, politically, and socially affiliated with a tribe. It will also ignore the important role of the extended family in Indian culture.

In addition, these provisions were written without input from Indian tribes and without hearings held in the Resources Committee under whose jurisdiction ICWA falls.

I urge my colleagues to support the Young amendment and allow us time to carefully consider any changes to the Indian Child Welfare Act.

Mr. SMITH of New Jersey. Madam Speaker, I rise today in strong opposition to my good friend and colleague from Alaska's amendment to strike the Indian Child Welfare Act reforms from this bill.

The dismal numbers on adoption make it clear that our laws have created severe roadblocks for adoption in this country. No one disagrees with that.

Roughly 55,000 adoptions are finalized each year in this country—down from 89,000 in 1970. Yet 500,000 kids languish every year in foster care. Many of them are not special needs kids or at least they were not, before they entered the system. Many of them are children who, at one time, could have easily been placed with the estimated, 2 million couples that are currently waiting to adopt a child. These numbers didn't just happen by accident. It was bad laws that failed these kids.

One of the worst examples of this is how the Indian Child Welfare Act has been misused to promote a political theory at the heartbreaking expense of some very real children and families, as well as the entire institution of adoption.

It is tragic, unenlightened and unnecessary.

Some of you may have read about the Swenson case. Shortly after his birth, Casey Swenson's birth mother, who is not native American, placed Casey for adoption. This woman courageously made the decision to place her child in the care of a couple who, among other things, shared her faith in the LDS Church.

Casey's birth father is Oglala Sioux but he has never sought custody of Casey. He has had nothing to do with the boy from day one. He has totally abandoned the child. The tribal counsel, also, never voted to seek custody.

A tribal bureaucrat, however, whose job is to administer Indian Child Welfare Act grant money, decided to expand his turf and seek custody of the child for the tribe—in opposition to the birth mother's wishes. He enlisted the help of Idaho Legal Services for the job.

Mercifully the Swensons prevailed. But it took 6 years of litigation—all the way to the Idaho Supreme Court—and over $100,000 in legal fees. The Swensons lost their home and farm too; not to mention many cruel, sleepless nights for the child, his sister, the birth mother, and his adoptive parents.

Keep in mind one thing which we know from actual case histories. When a birth mother, who falls under the Indian Child Welfare Act, but does not want her child raised by a tribe, hears of these adoption nightmares it sends a very clear message: Adoption may present a long and hard court battle with no ultimate control over the outcome. Abortion or single parenting, on the other hand—her other two options—present total control over the ultimate custodial arrangement.

Why this legal disincentive to adopt when it presents such an enriching option for the child? The extraordinary power of the tribes to veto adoptions has reached children with as little as 1/64 Indian blood. A vote for the Young amendment is a vote for a legal incentive to abort or single-parent.

It is insane to allow this. Tribes are important cultural and political institutions but not so important that they should trump a mother's interest in who will raise her children in the event that she cannot.

Not a single person here would tolerate a law which mandated that, in the event of your own incapacity, you could not place your child in the care of a close friend who shared many of your religious or cultural views on parenting—simply because your ethnicities did not match.

The Indian Child Welfare Act now means as much. To say that because you come from, say, Irish descent and your friend is Polish, or African-American, then the Government can exclude them from consideration for custody is obscene. Would any of us tolerate such a law for ourselves? No. So don't vote for this one. This is supposed to be America and the Indian Child Welfare Act was never meant to cover voluntary adoptions.

It is the height of hypocrisy to legislate for others what you would not tolerate for yourself. Lets not do it here. Defeat the Young amendment. Keep the Pryce provisions in this bill for the good of all children and parents who may at some point need sensible adoption laws.

Mr. TAYLOR of North Carolina. Madam Speaker, I rise in support of the Young amendment to strike title 3 from H.R. 3268.

Yesterday, I met with the principal chief of the Eastern Band of Cherokee Indians, Joyce Dugan, from my district. While title 3 is being pushed to rectify a very small number of problematic Indian adoption cases, the Indian Child Welfare Act, in fact, works quite well.

Very few cases are contested and out of the thousands that have been processed, only 40 have been litigated. Until now.

Title 3 would limit the application of the Indian Child Welfare Act to certain Indian children whose parents have maintained a significant social, cultural or political affiliation with an Indian tribe.

Title 3 will create a whole new layer of redtape on adoptions, and leaves implementation to the courts.

State courts will now have to hold additional hearings on what sort of affiliation certain Indian children's parents have had with a tribe.

Courts will have to decide what is significant and what is not.

Courts will have to decide what amounts to affiliation and what does not.

Courts will have to decide what affiliation can be expected of a 16-year-old mother or of a 16-year-old father. And then they'll have to reconsider the same question for a 30-year-old set of parents.

The one thing you can count on is that title 3 will be litigated and litigated and litigated.

Title 3 is an adoption lawyer's dream come true. More litigation, more proof, more time in court arguing about whether the law says this or that or more redtape. More billable hours. More expenses.

Everybody loses except the lawyers.

I urge my colleagues to adopt the Young amendment and delete this redtape from the bill.

Mr. HUTCHINSON. Madam Speaker, I rise in strong support of the rule and the bill H.R.

3286, a measure which would help families defray adoption costs and promote the adoption of minority children.

Today, there are more couples who want to adopt and more children in need of a loving home then ever before. According to estimates by the National Council for Adoption, at least 2 million couples would like to adopt. Yet only about 50,000 adoptions occur annually.

Tragically, this number has been dropping since the 1970's. During the last quarter century we have experienced a dramatic rise in numbers of children born out of wedlock, children being raised by single parents, and children entering the foster case system because of abuse and neglect. At the same time there has been a decrease of almost 50 percent in the number of formal adoptions.

As we continue to see the disintegration of the family, it is incumbent upon those of us in Congress to enact legislation which promotes and encourages adoption. We need to make it easier and more affordable.

The average cost of adopting a child is $20,000. This legislation provides for a $5,000 tax credit to help offset the costs of adoption as well as a $5,000 tax exclusion for employer-sponsored adoption assistance.

Perhaps more significantly this bill will go a long way toward assisting the adoption of children currently in the foster care system. Today there are approximately 500,000 children in the custody of various State foster care programs.

Unfortunately, many States have enacted laws and regulations which allow agencies to delay placing a child in an adoptive home on the basis of cultural or ethnic differences. As a result 40 percent of African American children spend more than 4 years waiting to be adopted while only 17 percent of white children wait that long.

H.R. 3286 would prohibit State and private agencies from delaying or denying the opportunity to become an adoptive parent on the basis of race, color, or national origin of the child or the applicants.

There is also a myth that families only want to adopt healthy, newborn children. In fact, Mr. Speaker, many families adopt special needs children. The National Down's Syndrome Adoption Exchange reports a waiting list of over 100 couples who would like to adopt a child with Down's syndrome—more than enough to accommodate parents who want Down's children given up for adoption.

Several weeks ago I had the opportunity to meet with representatives of the Arkansas Department of Human Services. They discussed with me the success they have had in placing special needs children. One of the adoption specialists told me that in the last 16 years she has made 357 placements in a seven-county area of northwest Arkansas—over 75 percent of them special needs children. I was told of one family who already had two birth children when they adopted a sibling group of two, a sibling group of three, and two African American infants with spina bifida. Several of the children have emotional or behavioral problems, and several are learning disabled.

Another family was unable to have birth children. They adopted a child privately and then added two African American children with disabilities.

Still another family, with grown children, adopted an African American foster child with many physical and developmental disabilities and have sacrificed a comfortable middle age to meet this child's needs.

These are only a few of the many families in northwest Arkansas who have opened their hearts and their homes to children in need.

Finally, Madam Speaker, the subject of adoption is one that hits very close to home for me. My legislative director is herself adopted. She described her feelings of adoption to me in the following way:

''Mom and Dad took me home, gave me their name, their protection, and their love. They shared with me their family—brothers, Aunts, Uncles, Cousins, and grandparents—who claimed me as their very own. Together they provided a foundation from which I have been able to return a small portion of the abundant love and care that they have given me to the world in which I live.''

Madam Speaker, would that every child in America be able to make such a statement. I urge the swift passage of H.R. 3286.

Mr. WELDON. Madam Speaker, I rise today to express my strong support for H.R. 3286, the Adoption Promotion and Stability Act of 1996. Since the late 1960's, the number of children who have been adopted has declined by at least 33 percent, while the number of children born to unwed mothers has increased 400 percent over the same period. In light of these startling statistics, Madam Speaker, some action must be taken. Legislative support for families that wish to adopt and children that wish to be adopted is long overdue.

I believe that the tax credit to defray the overwhelming cost is a major step in making adoption possible for more families. Phased out at incomes over $75,000, this tax break is specifically targeted to help those who most need it. Furthermore, for every child adopted because of this tax credit, the American people save the $20,000 to $30,000 it takes every year to support a child in Federal, State, or foster care.

The second major step this legislation takes is prohibiting State and local entities from denying or delaying a child's adoption because of race, color, or national origin. As much as 49 percent of America's 500,000 foster children are minorities, Madam Speaker; there is no reason for them not to find a place in the many loving, permanent homes waiting to adopt them.

I urge my colleagues to join me in supporting H.R. 3286. As a member of the Congressional Coalition for Adoption, I will continue to support legislation to ease restrictions and encourage adoption. As a Member of Congress, I will continue to support anything that makes the American family stronger.

Mr. BARRETT of Wisconsin. Madam Speaker, I am pleased to support H.R. 3286, the Adoption Promotion and Stability Act of 1996.

It is a sad reality that there are far too many potential adoptive parents who can handle the day-to-day expenses of raising a child, but who can't afford the initial adoption costs which are often in excess of $5,000. While insurance covers health care costs for adopted children, it fails to address the skyrocketing costs of adoption fees. this is essentially discriminatory because insurance covers the costs of maternity stays, but fails to address the similar needs of adoptive families.

H.R. 3286 ensures equity for adoptive parents by providing a $5,000-per-child tax credit to offset adoption costs. The bill also encourages the adoption of foster children by requiring States to adhere to a nondiscriminatory policy in matching children with parents. Currently there are 450,000 to 500,000 children in foster care, so moving these children into loving, adoptive families must be a top priority.

I introduced similar legislation, H.R. 1819, at the beginning of the 104th Congress which also would have provided tax relief for adoptive families with an even larger credit going to those who choose to adopt a foster child. I am pleased that H.R. 3286 addresses the concerns of my legislation, and I strongly supported the passage of this landmark legislation.

Ms. JACKSON-LEE of Texas. Madam Speaker, I rise today to express my support for H.R. 3286, the Adoption Promotion and Stability Act. Families wishing to adopt today face a number of barriers, including prohibitive costs, complex regulations, and outdated assumptions. This bill will make it possible for more families to provide permanent, stable, and loving homes for children in need by providing tax credits to adoptive families and employers, and by ensuring that adoptions are not delayed or denied because of a child's race, ethnicity, or national origin.

Adoption costs now constitute a major disincentive to adoption. The cost of adopting a child in the United States ranges from $10,000 to $20,000, and in the case of an international adoption, the cost may reach $35,000. This legislation would provide a $5,000 nonrefundable tax credit for qualified adoption expenses and an exclusion of up to $5,000 for amounts received by an employee for qualified adoption expenses under an employer adoption assistance program, thus providing needed assistance to middle- and low-income families willing to adopt.

According to the American Public Welfare Association [APWA], a total of 657,000 children were in the Nation's foster care system during 1993, about half of whom are minorities. A 1-day count of children in foster care in 1993 showed 445,000 children in foster care and other group care settings—an increase of about two-thirds over the 1-day count 10 years earlier and this number has continued to increase. Five States—Texas, California, Illinois, Michigan, and New York—together account for almost half of all children in foster care.

Clearly, we must do something to decrease the number of children in foster care and group homes and increase the number of children in loving and permanent homes. In my home State of Texas, the number of children under the age of 18 living in foster care in 1993 was 10,880. This represents an increase of 62.4 percent from 1990, and the number continues to climb. Similarly, the number of children living in a group home in 1990 was 13,434.

Approximately one-half of these 13,434 children are minorities. Studies have shown that minority children wait longer to be adopted than do white children. According to the National Council for Adoption [NCFA], African-American children constitute about 40 percent of the children awaiting adoption in the foster care system and these children wait twice as long—in some jurisdictions four times as long—as white children for adoptive homes.

This legislation would prohibit States and entities receiving Federal funds from delaying or denying the placement of a child for adoption or foster care on the basis of race, color, or national origin. While I do not believe that

race should be the sole criteria in determining the placement of a child in an adoptive home, I do believe that it must play a role in determining placement. States and entities must make an effort to ensure that prospective adoptive parents of a child from a different race are sensitive to the child's cultural background.

It is important that such children grow up in an environment that is respectful and appreciative of the child's heritage. Unfortunately, our society is not color blind, and therefore, States and agencies must ensure that adoptive parents of minority children are sensitive to the issues that may arise as the child gets older, including dealing with discrimination and questions the child may have about his or her cultural background. I believe that our native Americans should have the right of utilizing their cultural heritage in the sensitive issue of adoption and foster care for Indian children. I supported the Young amendment.

In no way, however, should this policy result in children languishing in foster homes for extended periods of time or in adoptions being delayed or denied when loving, caring parents are ready to adopt.

Federal policies should encourage and facilitate, not hamper, adoption efforts. The Adoption Promotion and Stability Act sends a signal to prospective adoptive parents that our Nation encourages adoption and will help to make adoptions possible and I urge my colleagues to support it.

Mr. ROEMER. Madam Speaker, I rise in strong support of H.R. 3286, the Adoption Promotion and Stability Act of 1996. Knowing of the importance adoption plays in the lives of American families, Congress should do more to help facilitate and promote its benefits.

Unquestionably, this legislation would tear down the financial burden imposed on adoptive parents. These expenses can add up to $20,000 in 1 year, and continue to be the primary disincentive to middle-class families. While families who have children born to them often enjoy the costs of birth covered by health insurance, adoptive families have no such support. H.R. 3286 offsets this imbalance and makes the process a more financially viable option for middle-income parents to build families through adoption.

Madam Speaker, few can argue that adoption does not result in moving children out of foster homes and providing the benefit of a solid home and possibilities for a bright future. The benefits of adoption exist not only with the adopted child, but with the biological mother and society as well. Adoption can help break the cycle of abortion that too often takes place with young girls having babies out of wedlock. By choosing adoption, women can make the right decision—not to have an abortion.

At the same time, adoption can help break the cycle of single parenting. More than 80 percent of all females born to single mothers under the age of 16 become teenage mothers themselves. By choosing adoption as an alternative to single parenting, these women might continue their education, develop job skills and a sense of independence, and live the rest of their lives knowing they were not forced to choose abortion over single parenting.

Madam Speaker, this is a matter of fairness to adoptive families. H.R. 3286 is good public policy and I urge my colleagues to support it.

Mrs. SMITH of Washington. Madam Speaker, I rise in support of the Adoption Promotion and Stability Act. As a mother and grandmother, I can tell you that adoption creates families where we would otherwise have children languishing in foster care and couples denied a heartfelt desire to raise a family.

Due to the costly nature of adoption, it is only right that we provide families with some financial relief. The average cost of an adoption is $20,000. The $5,000 tax credit helps to alleviate the financial pressures and may make the real difference in a couple's decision to adopt.

This legislation also provides a commonsense clarification of the Indian Child Welfare Act without infringing upon the rights of the Native American community. A child with no significant cultural, social, or political affiliations should be allowed to be put up for adoption if it is the wish of the birth parents. When I chaired the Youth and Family Services Committee in the Washington State Senate, I had extensive experience with the Indian Child Welfare Act. While I respect the original intent of the act, I believe that standing in the way of a child's welfare due to the arbitrary decision of a tribal court is egregious. The only result has been heartbreak for countless families.

I urge my colleagues to support the Adoption Promotion and Stability Act. It is pro-child and pro-family.

Mr. HAYWORTH. Madam Speaker, I rise in support of the Young amendment which would strike title III from H.R. 3286, the Adoption Promotion and Stability Act.

Last week, my colleagues and I who sit on the Resources Committee voted unanimously to strip title III from this legislation. Regrettably, it was reinserted by the Rules Committee.

Title III of H.R. 3286 amends the 1978 Child Welfare Act (ICWA), which gave tribal courts jurisdiction over Indian child custody proceedings. Title III would transfer this jurisdiction to State courts.

Mr. Chairman, I represent portions of eight tribes, including the Navajo Nation, which is the largest reservation in the United States. As a result, I am mindful of our treaty obligations to sovereign Indian nations. I believe that removing adoptions from the jurisdiction of tribal courts in favor of State courts would violate these important treaty agreements.

Furthermore, proponents of title III assume that tribes act arbitrarily and not in the best interests of the children involved. The record shows otherwise. Over the last 15 years, less than one-tenth of 1 percent of adoption cases have been contested.

I urge my colleagues not to turn back progress that has been made by Indian nations to become more independent. Support the Young amendment.

Mrs. VUCANOVICH. Madam Speaker, I want to commend my colleagues for bringing to the floor a bill that would assist loving, caring Americans who are willing to open their homes and provide permanent, loving, and stable homes for adoptive children.

In an era when adoption costs can reach upward of $20,000, we must send a message that the Government is truly proadoption. Providing a $5,000 nonrefundable tax credit to middle- and low-income families for qualified adoption expenses, is a small step in this direction. This bill also includes another important policy that encourages and promotes adoption.

It is an unfortunate fact that African-American children wait almost twice as long and sometimes four times as long to be adopted than do white children, simply because of their skin color. This bill will prohibit any federally funded agency from delaying or denying the placement of a child into a foster home or adoptive home on the basis of the race, color or national origin of the adoptive or foster parent of the child involved.

This commonsense policy is badly needed to ensure that our Nation's future, our most vulnerable children do not remain separated from a loving adoptive family one day longer than necessary. I urge my colleagues to support this bill.

Mrs. COLLINS of Illinois. Madam Speaker, I don't think there is anyone anywhere who would not agree that we would wish for every child that they be a part of a willing, safe, secure, nurturing and loving family.

Unfortunately, that is not the reality for hundreds of thousands of children across America today. Many of those children are the victims of abuse or neglect. Many have special needs that make the parental dream of a perfect child difficult to achieve.

For instance, last year there were over 49,000 children in foster care in Illinois; 39,000 of those children were from the Chicago/Cook County area. During that same time last year in Illinois, only 1,850 were formally adopted.

It is the goal of this Adoption Promotion and Stability Act to make it possible for more children, who are not able to be reunited with their biological families for one reason or another, to be adopted by families who are willing and able to give them the love, safety and security that all children need.

H.R. 3286 contains a provision to allow a Federal tax credit up to $5,000 for qualified adoption expenses. Testimony to the Congress has suggested that such a tax credit will allow middle-income families to adopt children for whom adoption might otherwise be prohibitive. I believe it may also allow families of not-so-middle incomes to open their homes and hearts to children who need a safe, secure and nurturing family.

Too often the high legal costs associated with an adoption make it beyond the reach of families who could otherwise open up their heart to another child. This tax credit is designed to offer valuable support to those families with so much love to give.

What we have seen by the numbers of children in the foster care system for years, denied that nurturing, loving environment of a family, is that many people still have prejudices that stand in the way of providing those children with a safe, secure and stable family.

In reality, there aren't enough families able or willing to adopt children in need of families in our country today. Well-meaning attempts to match willing families to children are keeping those children from having any family at all.

It is because of my deeply held belief that all children should be safe, secure and loved in a willing family that values children, and has a deep commitment to providing the best possible in love and stability, that I support this bill. I encourage my colleagues to vote for the children and vote for passage of this bill.

Mr. CASTLE. Madam Speaker, I rise in strong support of the Adoption and Stability Act of 1996.

Adoption, as Albert Hunt noted in the Wall Street Journal, is not a panacea for abortion

or child abuse or foster care. But it certainly can help. A woman facing an unintended pregnancy may be influenced by the knowledge that her child could be expeditiously adopted. Social workers may find their task of protecting foster children somewhat easier, resulting in fewer children—1,166 in 1993—who die of child abuse at the hands of foster parents.

In a successful adoption, everyone wins—the dearly wanted child, who is brought into a loving home; the adoptive parents, who have welcomed the child into their lives; and the birth parents, who know that their child is well-cared for. Unfortunately, there are barriers which reduce the number of successful adoptions, including high adoption costs and complex, ineffective regulations.

As a result, roughly one in seven children in foster care is waiting for adoption, and will wait for between 4 to 6 years. Potential adoptive parents find they cannot pay the costs of adoption—which ranges from $10,000 to $15,000 for a domestic adoption—and are denied the opportunity to provide a loving and healthy home for a child. Minority children must wait two to four times as long as white children for adoptive homes. Families which are financially able to adopt must wait for years before a child can join them.

Fortunately, Congress has recognized that promoting adoption is an important public policy goal. The Adoption and Stability Act of 1996 facilitates the adoption process, so that more children can be united with loving families.

You know the essential details of this bill, it provides families with a $5,000 tax credit for one-time adoption expenses, and prohibits entities from delaying adoptions due to race, color, or national origin. These provisions will provide enormous assistance to would-be adoptive parents, and should help those who are presently overwhelmed by the cost to fulfill their dreams of being an adoptive parent. It will also help eliminate the appalling fact that minority children wait so much longer to be adopted as white children, even though there is no shortage of adoptive parents.

This bill will not resolve all of the problems with our Nation's adoption laws, but it is an admirable first step, and I encourage all of my colleagues to support passage of this bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Alaska [Mr. YOUNG].

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

Mr. YOUNG of Alaska. Madam 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 195, nays 212, not voting 26, as follows:

[Roll No. 164]

YEAS—195

| | | |
|---|---|---|
| Abercrombie | Andrews | Barcia |
| Ackerman | Baesler | Barrett (NE) |
| Allard | Baldacci | Barrett (WI) |
| Bateman | Gutierrez | Parker |
| Becerra | Hansen | Pastor |
| Beilenson | Harman | Payne (NJ) |
| Bereuter | Hastings (FL) | Payne (VA) |
| Bishop | Hayworth | Pelosi |
| Bliley | Hefner | Peterson (MN) |
| Blute | Hilliard | Pickett |
| Boehlert | Hinchey | Pomeroy |
| Bonior | Houghton | Porter |
| Borski | Hoyer | Rahall |
| Boucher | Jackson (IL) | Rangel |
| Brewster | Jackson-Lee (TX) | Reed |
| Browder | Johnson (SD) | Regula |
| Brown (CA) | Johnson, E. B. | Richardson |
| Brown (FL) | Jones | Riggs |
| Brown (OH) | Kanjorski | Rivers |
| Bryant (TX) | Kennedy (MA) | Ros-Lehtinen |
| Bunn | Kennedy (RI) | Rose |
| Callahan | Kennelly | Roybal-Allard |
| Calvert | Kildee | Rush |
| Camp | Kleczka | Sabo |
| Chapman | Klink | Salmon |
| Clayton | Kolbe | Sanders |
| Clyburn | LaFalce | Sawyer |
| Coleman | Lantos | Saxton |
| Collins (MI) | LaTourette | Schiff |
| Conyers | Levin | Schumer |
| Cooley | Lewis (CA) | Scott |
| Coyne | Lewis (GA) | Serrano |
| Cramer | LoBiondo | Shays |
| Cummings | Lofgren | Shuster |
| de la Garza | Lowey | Skaggs |
| DeFazio | Lucas | Skeen |
| DeLauro | Maloney | Slaughter |
| Dellums | Markey | Spratt |
| Deutsch | Martinez | Stark |
| Dingell | Martini | Stokes |
| Dixon | Mascara | Studds |
| Doggett | Matsui | Stupak |
| Dooley | McCarthy | Tauzin |
| Engel | McDermott | Taylor (NC) |
| Ensign | McInnis | Thomas |
| Eshoo | McKinney | Thompson |
| Evans | Meehan | Thornton |
| Farr | Meek | Thurman |
| Fattah | Menendez | Torkildsen |
| Fazio | Millender-McDonald | Torres |
| Fields (LA) | Minge | Towns |
| Filner | Mink | Velazquez |
| Flake | Mollohan | Vento |
| Foglietta | Montgomery | Volkmer |
| Foley | Moran | Vucanovich |
| Ford | Nadler | Ward |
| Frank (MA) | Neal | Waters |
| Frelinghuysen | Oberstar | Watt (NC) |
| Frost | Obey | Watts (OK) |
| Furse | Olver | Waxman |
| Gekas | Ortiz | Wise |
| Gephardt | Orton | Woolsey |
| Gilchrest | Owens | Wynn |
| Gonzalez | Pallone | Yates |
| Gordon | | Young (AK) |
| Green (TX) | | |

NAYS—212

| | | |
|---|---|---|
| Archer | Collins (GA) | Fox |
| Armey | Combest | Franks (CT) |
| Bachus | Condit | Franks (NJ) |
| Baker (CA) | Costello | Frisa |
| Ballenger | Cox | Funderburk |
| Barr | Crane | Ganske |
| Bartlett | Crapo | Geren |
| Barton | Cremeans | Gibbons |
| Bass | Cubin | Gillmor |
| Bentsen | Cunningham | Gilman |
| Bilbray | Danner | Goodlatte |
| Bilirakis | Davis | Goodling |
| Boehner | Deal | Goss |
| Bonilla | DeLay | Graham |
| Bono | Diaz-Balart | Greene (UT) |
| Brownback | Doolittle | Greenwood |
| Bryant (TN) | Dornan | Gunderson |
| Bunning | Doyle | Gutknecht |
| Burr | Dreier | Hall (OH) |
| Burton | Duncan | Hall (TX) |
| Buyer | Dunn | Hamilton |
| Campbell | Durbin | Hancock |
| Canady | Edwards | Hastert |
| Cardin | Ehlers | Hastings (WA) |
| Castle | Ehrlich | Hefley |
| Chabot | Emerson | Heineman |
| Chambliss | English | Hilleary |
| Chenoweth | Everett | Hobson |
| Christensen | Ewing | Hoekstra |
| Chrysler | Fawell | Hoke |
| Clement | Fields (TX) | Horn |
| Clinger | Flanagan | Hostettler |
| Coble | Forbes | Hunter |
| Coburn | Fowler | Hutchinson |
| Hyde | Meyers | Sisisky |
| Inglis | Mica | Skelton |
| Istook | Miller (FL) | Smith (MI) |
| Jacobs | Moorhead | Smith (NJ) |
| Johnson (CT) | Morella | Smith (TX) |
| Johnson, Sam | Murtha | Smith (WA) |
| Johnston | Myers | Solomon |
| Kaptur | Myrick | Souder |
| Kasich | Nethercutt | Spence |
| Kelly | Neumann | Stearns |
| Kim | Ney | Stenholm |
| King | Norwood | Stockman |
| Kingston | Nussle | Stump |
| Klug | Oxley | Talent |
| Knollenberg | Packard | Tate |
| LaHood | Peterson (FL) | Taylor (MS) |
| Largent | Petri | Tejeda |
| Latham | Pombo | Thornberry |
| Lazio | Poshard | Tiahrt |
| Leach | Pryce | Torricelli |
| Lewis (KY) | Quillen | Traficant |
| Lightfoot | Quinn | Upton |
| Linder | Radanovich | Visclosky |
| Lipinski | Ramstad | Walker |
| Livingston | Roemer | Walsh |
| Longley | Rogers | Wamp |
| Luther | Rohrabacher | Weldon (FL) |
| Manton | Roth | Weller |
| Manzullo | Roukema | White |
| McCollum | Royce | Whitfield |
| McCrery | Sanford | Wicker |
| McHale | Scarborough | Wilson |
| McHugh | Schaefer | Wolf |
| McIntosh | Seastrand | Young (FL) |
| McKeon | Sensenbrenner | Zeliff |
| McNulty | Shadegg | Zimmer |
| Metcalf | Shaw | |

NOT VOTING—26

| | | |
|---|---|---|
| Baker (LA) | Hayes | Molinari |
| Berman | Herger | Paxon |
| Bevill | Holden | Portman |
| Clay | Jefferson | Roberts |
| Collins (IL) | Laughlin | Schroeder |
| Dickey | Lincoln | Tanner |
| Dicks | McDade | Weldon (PA) |
| Gallegly | Miller (CA) | Williams |
| Gejdenson | Moakley | |

☐ 1156

The Clerk announced the following pairs:

On this vote:

Mrs. Collins of Illinois for, with Mr. Herger against.

Mr. Dicks for, Mr. Paxon against.

Mr. KNOLLENBERG and Mr. ENGLISH of Pennsylvania changed their vote from ''yea'' to ''nay.''

Mr. LEVIN changed his vote from ''nay'' to ''yea.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. MORELLA). Pursuant to House Resolution 428, the previous question is ordered on the bill, as amended.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

RECORDED VOTE

Ms. PRYCE. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 393, noes 15, not voting 25, as follows:

[Roll No. 165]

AYES—393

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOES—15

Abercrombie
Baesler
Clyburn
Collins (MI)
Conyers
Dellums
Fattah
Furse
Hilliard
Kennedy (RI)
Meek
Mink
Thompson
Waters
Young (AK)

NOT VOTING—25

Baker (LA)
Berman
Bevill
Clay
Collins (IL)
Dickey
Dicks
Gallegly
Gejdenson
Hayes
Herger
Holden
Jefferson
Laughlin
McDade
Miller (CA)
Moakley
Molinari
Paxon
Portman
Roberts
Schroeder
Tanner
Weldon (PA)
Williams

□ 1216

The Clerk announced the following pair:

On this vote:

Mr. Herger for, with Mr. Dicks against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. FROST. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1972.

The SPEAKER pro tempore (Mr. BURTON of Indiana). Is there objection to the request of the gentleman from Texas?

There was no objection.

## PROVIDING FOR CONSIDERATION OF H.R. 3230, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1997

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 430 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 430

*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. 3230) to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and the amendments made in order by this resolution and shall not exceed two hours equally divided and controlled by the chairman and ranking minority member of the Committee on National Security. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) 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 National Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except the amendments printed in the report of the Committee on Rules accompanying this resolution and amendments en bloc described in section 3 of this resolution.

(c) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report of the Committee on Rules, each amendment printed in the report shall be debatable for ten minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman or ranking minority member of the Committee on National Security each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

(e) Consideration of the first two amendments in part A of the report of the Committee on Rules shall begin with an additional period of general debate, which shall be confined to the subject of cooperative threat reduction with the states of the former Soviet Union and shall not exceed forty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security.

SEC. 3. It shall be in order at any time for the chairman of the Committee on National Security or his designee to offer amendments en bloc consisting of amendments printed in part B of the report of the Committee on Rules accompanying this resolution not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for twenty minutes equally divided and controlled by the chairman and ranking minority member of the Committee on National Security or their designees, shall not