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 218, nays 206, not voting 10, as follows:

[Roll No. 484]

YEAS—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—206

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Calvert
Clement
Davis (VA)
Kennelly
Kilpatrick
Linder
Poshard
Pryce (OH)
Riggs
Stearns

□ 1418

Messrs. EVANS, HEFNER, and STRICKLAND, and Ms. WOOLSEY changed their vote from ''yea'' to ''nay.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. WILSON. Mr. Speaker, on rollcall No. 483, I was inadvertently detained. Had I been present, I would have voted ''yes.''

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 483

Mr. HASTINGS of Washington. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 483.

The SPEAKER pro tempore (Mr. QUINN). Is there objection to the request of the gentleman from Washington?

There was no objection.

HASKELL INDIAN NATIONS UNIVERSITY AND SOUTHWESTERN INDIAN POLYTECHNIC INSTITUTE ADMINISTRATIVE SYSTEMS ACT OF 1998

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 576 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 576

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. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, 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 shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Government Reform and Oversight. After general debate the bill shall be considered for amendment under the five-minute rule. Each section of the bill shall be considered as read. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Washington State (Mr. HASTINGS) is recognized for 1 hour.

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

(Mr. HASTINGS of Washington asked and was given permission to revise and extend his remarks.)

Mr. HASTINGS of Washington. Mr. Speaker, House Resolution 576 is an open rule which waives points of order against consideration of the bill.

The rule provides 1 hour of general debate equally divided between the chairman and ranking member of the Committee on Government Reform and Oversight.

The bill shall be considered by section and each section shall be considered as read. The rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce votes to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Mr. Speaker, this bill would authorize a 5-year demonstration project for Haskell Indian Nations University in Lawrence, Kansas, and Southwestern Indian Polytechnic Institute in Albuquerque, New Mexico, to exempt them from the majority of service civil law and allow them to develop alternative personnel systems. Also, the bill allows current employees who have at least 1 year of government service to maintain their Federal retirement, life insurance and health benefits.

The Committee on Rules has reported an open rule for this bill, Mr. Speaker, and I encourage my colleagues to support both the rule and the underlying bill, H.R. 4259.

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

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

Mr. Speaker, to date, the major accomplishment of the 105th Congress has been to rename Washington National Airport for former President Ronald Reagan. Now, 5 or 6 days away from adjournment, after this trailblazing session, we have sent only 2 of the 13 necessary appropriations acts to the President. Yet today, Mr. Speaker, we are going to consider a bill which was not subjected to hearings and which has virtually no chance of passing the entire Congress, much less gaining the signature of the President. But, at the very least, Mr. Speaker, we will be able to consider this bill under an open rule.

Mr. Speaker, H.R. 4259 was opposed by the Democratic members of the Committee on Government Reform and Oversight and deserves to be opposed when it is considered by the full House. The bill mandates that the only two federally-owned, federally-funded, and federally-operated institutions of higher education in the country, Haskell and Southwestern Indian Universities, establish demonstration projects to develop new personnel procedures. The demonstration projects would be entitled to exempt Haskell and Southwestern Universities from civil service laws covering leave and benefits, and would reduce the role of the Office of Personnel Management in the development of these demonstration projects to that of a consultant.

Mr. Speaker, because there were no hearings on this legislation, the proponents did not have the opportunity to establish a record to support the need for these special authorities. Nor was there an opportunity for the proponents to establish a record that might refute claims that this legislation would severely weaken the rights and protections currently available to the Federal employees of these two universities. Given the late date in our session, Mr. Speaker, I think the lack of a record on these points is reason enough to reject this legislation.

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

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to House Resolution 576 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4259.

□ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4259) to allow Haskell Indian Nations University and Southwestern Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes, with Mr. QUINN in the chair.

The Clerk read the title of the bill.

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

Under the rule, the gentleman from Kansas (Mr. SNOWBARGER) and the gentleman from Maryland (Mr. CUMMINGS) each will control 30 minutes.

The Chair recognizes the gentleman from Kansas (Mr. SNOWBARGER).

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

Mr. Chairman, I introduced H.R. 4259, the Native American Higher Education Improvement Act, in July.

□ 1430

This legislation is the final product of over 2 years of work that started with my predecessor, Congresswoman Jan Meyers, along with Senator Nancy Kassebaum Baker and Haskell Indian Nations University, which is located in my district.

Haskell Indian Nations University, or Haskell, and Southwestern Indian Polytechnic Institute, or SIPI, are owned and operated by the Federal Government. Because of this, the institutions must currently participate in the Federal civil service system. As Members know, the civil service system is very rigid and does not allow the schools to tailor their employee positions to more adequately serve the needs of their students. Unfortunately, this rigidity has stifled the growth of these two institutions. The Federal Government's position classification system does not address job classifications unique to colleges and universities, such as academic dean, professor and associate or assistant professor.

Haskell and SIPI have already begun to feel the effects of the confines of this civil service system. For example, highly qualified faculty from other universities and colleges who have inquired about vacancies at Haskell have refused to apply after learning that Haskell has no teaching positions above the rank of instructor.

Efforts by SIPI to properly staff their recruitment office have been stifled by these civil service classifications. Due to this, SIPI's efforts to attract students to its new high-tech programs, such as Environmental Science and Agricultural Technologies, have been hindered. Unfortunately, students without ties to SIPI alumni never learn of the opportunities available there.

Over the past few years, Haskell and SIPI have made great strides in increasing the educational opportunities available to Native American and Alaskan Indian students. In 1993, SIPI was granted community college status and began offering associate degrees, in addition to offering advanced technical training. Haskell conferred its first baccalaureate degree in elementary education in the spring of 1996 and has since received accreditation to offer degrees in environmental education and Indian studies.

Congress saw the need for this type of fix several years ago. The Improving America's School Act passed by the 103d Congress included a provision directing the Secretary of the Interior to conduct a study to evaluate the need for alternative institutional and administrative systems at Haskell and to provide draft legislation. The Department of Interior provided draft legislation, which was then revised by Congresswoman Meyers and Senator Kassebaum and introduced in the 104th Congress. At the beginning of this Congress, I introduced similar legislation in the House with the late Congressman Steve Schiff. Companion legislation was introduced by Senator ROBERTS of Kansas. Additionally the Senate legislation was cosponsored by Senators BROWNBACK, BINGAMAN, DOMENICI and the chairman and ranking member of the Senate Indian Affairs Committee, Senators CAMPBELL and INOUYE.

The product under consideration today is the culmination of over 8

years of planning, input and compromise between all of the parties involved. In 1990, Haskell created a long-term planning task force to specifically address their concerns about faculty recruitment. This task force was succeeded by a Personnel Quality Improvement Team appointed in 1993. Both of these task forces have included representatives from the local union, the faculty and the student body. At every single step in the process, employees from Haskell have been involved in the creation of this legislation.

Mr. Chairman, Haskell has been educating Native American students for over a century. In 1884, Haskell was founded as the United States Indian Industrial Training School to provide agricultural education for Native American and Alaskan Indian students grades 1 through 5. From this humble beginning, Haskell has grown throughout the 20th century from an elementary school to a 4-year institution of higher learning. Throughout this process, Haskell has struggled to ensure that they provide an excellent education for their students while continuing to be an integral part of the Bureau of Indian Affairs. This legislation seeks to continue that fine tradition while assuring that Haskell and SIPI have the necessary tools to increase the quality of the education they provide for the more than 1,500 students who attend each year.

Mr. Chairman, I would like to insert into the RECORD letters of support from the National Haskell Board of Regents, the Southwestern Indian Polytechnic Board of Regents and the American Indian Higher Education Consortium. In addition, I would like to submit resolutions from more than 32 tribes and the Congress of American Indians supporting legislation that would allow Haskell to successfully complete its transition into a 4-year institution.

The documents referred to are as follows:

HASKELL INDIAN NATIONS UNIVERSITY,
Lawrence, KS, September 24, 1998.

RE: H. R. 4259: ''Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998.''

Thank you for your support of Southwestern Indian Polytechnic Institute (SIPI) and Haskell Indian Nations University (Haskell). As the only two post-second schools within the Department of Interior, these schools provide baccalaureate and associate degree programs for all members of federally recognized tribes.

The intent of H. R. 4259 is to give Haskell and SIPI demonstration project authority to move the personnel functions to campus and to design personnel systems that meet the needs of institutions of higher education.

BACKGROUND OF H. R. 4259

In October of 1994, Congress mandated (section 365 of the ''Improving America's Schools Act'') that ''the Secretary of the Interior shall conduct a study [of administrative systems], in consultation with the Board of Regents of Haskell . . . [And] if the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation.'' The study found that compliance with certain laws and regulations impedes Haskell's ability to effectively manage its transition to a high quality four-year institution. A report with draft legislation was forwarded to the Secretary and to Congress.

By September 1996, Senator Nancy Kassebaum and Representative Jan Meyers introduced the first legislation in the 104th Congress, entitled ''Haskell Indian Nations University Administrative Systems Act of 1996.''

By July 1998, the Act has been revised to include SIPI and to be first conducted as a demonstration project. This Act is currently known as H. R. 4259 ''Haskell Indian National University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998.''

DEVELOPMENT OF PLAN FOR HASKELL

The Development of an alternative personnel systems at Haskell has always been seen as a ''Work in progress.'' In 1993 and 1995 two teams composed of faulty, staff and students identified concerns with Haskell's current personnel system and to make recommendations for improvement. These recommendations were forwarded to the Board of Regents for review. By October 1995, the Haskell Board of Regents passed Resolution 96–03 directing the President of Haskell to work with the Board Advisor and the Kansas Congressional Delegation to develop and implement any regulatory processes legislation necessary for the evolution of Haskell as a University. Again, the first legislation was introduced to Congress in September 1996.

In July 1997 a Haskell Implementation Team review previous findings and recommended ''a personnel management system appropriate for a university.'' These recommendations were also forwarded to the board. By October 1997, the Board incorporated the values established by this team into the Institutional Values and Code now contained in Haskell's Vision 2005.

Further development occurred in May 1998 when the Board passed the enclosed Resolution 98–10 stating that the alternative systems be developed in a spirit of cooperation and input from administration, faculty, staff, and students.

Haskell is now ready to develop the plan for submission to Congress as required in H. R. 4259. Haskell looks forward to you continued support in providing high quality education to the American Indian/Alaska Native peoples.

If you have any other questions, please feel free to call me at 785–749–8495.

Respectfully yours,

BOB MARTIN,
President.

AMERICAN INDIAN
HIGHER EDUCATION CONSORTIUM,
Alexandria, VA, August 10, 1998.

Hon. VINCE SNOWBARGER,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN SNOWBARGER: I am writing on behalf of the American Indian Higher Education Consortium (AIHEC), to express our support for the passage of H.R. 4259 the ''Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998''.

The Civil Service personnel system is not designed to serve the needs of institutions of higher education. Yet, Haskell Indian Nations University and Southwest Indian Polytechnic Institute are the only two BIA institutions, which are still required to follow the current Civil Service Personnel system. All of the other Bureau of Indian Affairs schools are elementary and secondary schools, and are no longer required to follow the Civil Service system. These schools have already been authorized through legislation to establish alternative personnel methods appropriate for educational systems.

The ability to recruit and retain qualified university-level faculty and staff is one of the more critical concerns in higher education. This is of particular importance for Haskell's continuing transition from junior college to university status. This transition includes three new baccalaureate degree programs to begin in the fall of this year.

Again, thank you for all of your support of American Indian education and reiterate our support for H.R. 4259.

Sincerely,

VERONICA N. GONZALES,
Executive Director.

SOUTHWESTERN INDIAN
POLYTECHNIC INSTITUTE,
Albuquerque, NM, October 5, 1998.

Congressman VINCENT SNOWBARGER,
Cannon HOB, Washington, DC.

DEAR CONGRESSMAN SNOWBARGER: The Board of Regents of the Southwestern Indian Polytechnic Institute wishes to thank you for introducing H.R. 4259: ''The Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998.''

As representatives of federally recognized tribes, we see this bill as essential to improving educational programs for the hundreds of American Indians/Alaska Natives that attend SIPI each trimester. We have received similar indications of support from members of New Mexico's Congressional delegation.

We see H.R. 4259 as bringing to SIPI a personnel system that truly meets the needs of a post-secondary educational institution, while unburdening the college from the current unwieldy and ineffective personnel routine that really was not designed for college hiring. The end results of these improvements will be better instructors and administrators working to support quality education of American Indians/Alaska Natives.

Your efforts to include SIPI for the 105th Congress' consideration of these possible administrative changes under Section 365 of the ''Improving America's Schools Act (10/20/94) is appreciated.

Be sure of our continued support in behalf of your bill.

Sincerely,

LORENE WILLIS,
Chairwoman, SIPI Board of Regents.

LOS COYOTES RESERVATION,WARNER SPRINGS, CA.

RESOLUTION SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996; RESOLUTION NUMBER 1196–2

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives, and

Whereas, Haskell has identified the need to properly administer a quality education and student life program for American Indian and Alaska native students attending Haskell, and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems, and

Whereas, the lack of control affect the quality of higher education offered to American Indian students, and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now therefore be it resolved, that the Los Coyotes Reservation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4 year university.

CERTIFICATION

At a duly called meeting of the Los Coyotes Reservation on November 10, 1996 of the general membership this resolution was passed with a vote of For, 25; Against, 0; Abstaining, 0.

Adult members present; 27.

Spokesman; Frank Taylor.

Committee: Ruth Cassell et al.

LAC COURTE OREILLES TRIBAL GOVERNING BOARD, HAYWARD, WI

RESOLUTION NO. 96–102

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives, and

Whereas, Haskell has identified the need to properly administer a quality education and student life program for American Indian and Alaska Native students attending Haskell, and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems, and

Whereas, the lack of control affect the quality of higher education offered to American Indian students, and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now therefore be it resolved, that the Lac Courte Oreilles Band of Lake Superior Chippewa nation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

I, the undersigned, as Secretary/Treasurer of the Lac Courte Oreilles Tribal Governing Board, hereby certify that the Governing Board is composed of seven members, of whom 4 being present, constituted a quorum at a meeting duly called, convened and held on this 20 day of November, 1996; that the foregoing resolution was duly adopted at said meeting by an affirmative vote of 3 members, 0 against, 0 abstaining and that said resolution has not been rescinded or amended in any way.

DON CARLEY,
Secretary/Treasurer.

COLORADO RIVER INDIAN TRIBES,
Parker, AZ, November 20, 1996.

BOB G. MARTIN,
President, Haskell Indian Nations University, Lawrence, KS.

DEAR MR. MARTIN: The Colorado River Indian Tribes' Tribal Council recently addressed Haskell Indian Nations University's request for support to increase its control over its administrative system in an effort to undergo a smooth transition to become a four-year university.

The Tribal Council took action to support this effort, in the form of the attached resolution. The Colorado River Indian Tribes would like to express gratitude to your university as far as the educational studies that have been provided to members of our Tribe; many of whom have graduated from your university. The passage of this resolution, therefore, enables our Tribe to assist in providing continued education to our members as well as to students from other Tribes.

We wish your University success in your endeavor.

Sincerely,

RUSSELL WELSH,
Acting Tribal Chairman.

DELAWARE TRIBE OF WESTERN OKLAHOMA, ANADARKO, OK

RESOLUTION NUMBER 97–01: A RESOLUTION OF THE DELAWARE TRIBE OF WESTERN OKLAHOMA SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEM ACT OF 1996''

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now therefore be it resolved, that the Delaware Tribe of Western Oklahoma supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

This is to certify that the foregoing resolution was adopted at a meeting of the Delaware Executive Committee in a meeting held on October 11, 1996 at Anadarko, Oklahoma by a vote of 5 for 0 against, and 0 abstaining, a quorum of the committee being present.

Attest: Linda Poolaw, Secretary.

Approve: Lawrence F. Snake, President.

DUCKWATER SHOSHONE TRIBE,
Duckwater, NV, October 30, 1996.

BOB G. MARTIN, Ed.D.,
President, Haskell Indian Nations University Lawrence, KS.

DEAR MR. MARTIN: Enclosed please find Resolution No. 96–D–21 enacted by the Duckwater Shoshone Tribal Council during their Regular Meeting duly held the 21st day of October 1996. The Resolution is self explanatory.

If you should have any questions, please contact Jerry Millett, Tribal Manager. Thank you.

Sincerely,

LORINDA SAM,
Executive Secretary,
Duckwater Shoshone Tribe.

RESOLUTION NO. 96–D–21

Whereas, the Duckwater Shoshone Tribe is organized under the provisions of the Indian Reorganization Act of June 18, 1934, as amended to exercise certain rights of homerule and be responsible for the general welfare of its membership; and

Whereas, the Duckwater Shoshone Tribe is in support of the Haskell Indian Nations University in Lawrence, Kansas; and

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation; Now, therefore be it

Resolved, That the Duckwater Shoshone Tribe supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

THE EASTERN BAND
OF CHEROKEE INDIANS,
Cherokee, NC, December 4, 1996.

Mr. BOB G. MARTIN,
President, Haskell Indian Nations University, Lawrence, KS.

DEAR PRESIDENT MARTIN: As Principal Chief of the Eastern Band of Cherokee Indians, I am happy to lend the unanimous support of our tribe to Haskell Indian Nations University.

Attached please find a copy of Resolution 440 which was passed on November 21, 1996 with the full support of Tribal Council.

We too believe that self determination begins at the local level and in order to make improvements must be controlled by those who are most affected.

Please call upon me if I can be of further assistance.

With regards, I am

Sincerely,

JOYCE C. DUGAN,
Principal Chief.

Attachment.

RESOLUTION 440—''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996''

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation: Now, therefore, be it resolved, That the Eastern Band of Cherokee Indians supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

FORT INDEPENDENCE RESERVATION,
Independence, CA, November 7, 1998.

RESOLUTION 96–026—SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996''

Whereas: Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas: Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas: Haskell's ability to make a successful transition form a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas: the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas: the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation: Now, therefore be it

Resolved, That the Fort Independence Paiute Tribe supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

GRAND PORTAGE
RESERVATION TRIBAL COUNCIL,
Grand Portage, MN, October 24, 1998.

RESOLUTION 49–96

The Grand Portage Reservation on behalf of the Grand Portage Band of Chippewa enacts the following resolution:

Whereas, the Grand Portage Reservation Tribal Council, under the terms of the Treaty of 1854 and P.L. 93–638, the Indian Self-Determination Act, is the duly recognized governing body of the Grand Portage Reservation, and

Whereas, the Grand Portage Reservation Tribal Council supports legislation granting administrative oversight to Haskell Indian Nations University to be known as Haskell Indian Nations University Administrative Systems Act of 1996.

Whereas, Haskell's vision is to become a National Center for Indian Education, Research and Cultural Programs that increase knowledge and support the Educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell, and

Whereas, Haskell's ability to make a successful transition from a Junior College to a University vision is being compromised by not having control of their Administrative Systems, and

Whereas, the lack of control affects the quality of Higher Education offered to American Indian students, and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the University with the passage of appropriate legislation: Now, therefore be it

Resolved, That the Grand Portage Reservation Tribal Council supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year University.

IOWA TRIBE OF
KANSAS AND NEBRASKA,
White Cloud, KS, October 17, 1996.

BOB G. MARTIN,
President, Haskell Indian Nation School, Lawrence, KS.

DEAR MR. MARTIN: Enclosed please find the Iowa Tribal Resolution 96–R–16, supporting the University in its transition to a 4-year University.

Sincerely,

LEON CAMPBELL,
Chairman, Iowa Tribe of Kansas and Nebraska.

RESOLUTION 96–R–16

Whereas, the Iowa Executive Committee being duly organized met in Regular Session this 16th day of October, 1996; and,

Whereas, the Iowa Executive Committee has authority to act for the Iowa Tribe under the present Constitutional authority as provided in Sec. 2, Article IV, Governing Bodies; and,

Whereas, the Iowa Tribe of Kansas and Nebraska being organized and empowered by their Constitution and Bylaws (approved November 6, 1978); and,

Whereas, the Haskell Indian Nations Universities vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, The lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, The Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation; and,

Now therefore be it resolved, That the Iowa Tribe of Kansas and Nebraska supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

Be it further resolved, That the foregoing Resolution was duly adopted this date.

MIAMI TRIBE OF OKLAHOMA,
Miami, OK.

RESOLUTION 97–03

SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996''

Whereas: the Miami Tribe of Oklahoma is a federally recognized Tribe, organized under the Oklahoma Indian Welfare Act of 1936, with a Constitution and By-Laws approved by the Secretary of the Interior on February 22, 1996; and,

Whereas: the Business Committee of the Miami Tribe of Oklahoma is empowered to act on behalf of the Tribe, under Article VI of the Constitution and By-Laws; and,

Whereas: Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas: Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas: Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas: the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas: the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation.

Now therefore be it resolved, That the Miami Tribe of Oklahoma supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

PEORIA TRIBE OF
INDIANS OF OKLAHOMA,
Miami, OK.

RESOLUTION # R–11–05–96

SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996''

Whereas, the Peoria Tribe of Indians of Oklahoma is a federally recognized Indian Tribe organized under the Oklahoma Indian Welfare Act of June 26, 1936, and is governed by its Constitution approved by the Commissioner of Indian Affairs on May 29, 1980; and

Whereas, the Business Committee of the Peoria Tribe of Indians of Oklahoma is authorized to enact resolutions and act on behalf of the Peoria Tribe under Article VIII, Section I, of the Constitution; and

Whereas, Haskell Indian Nations University has a vision to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation.

Now therefore be it resolved, The Peoria Tribe of Indians of Oklahoma supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a four-year university.

PUEBLO OF ISLETA,
Isleta, NM, November 12, 1996.

BOB G. MARTIN, Ed.D.,
President, Haskell Indian Nations University, Bureau of Indian Affairs, Lawrence, KS.

DEAR MR. MARTIN: Enclosed please find Pueblo of Isleta Resolution 96–096 supporting your efforts for the transition of Haskell to become a four-year university. I wish you much success in your endeavors.

Sincerely,

ALVINO LUCERO,
Governor.

RESOLUTION NO. 96–096

SUPPORTING LEGISLATION GRANTING ADMINISTRATIVE OVERSIGHT TO HASKELL INDIAN NATIONS UNIVERSITY TO BE KNOWN AS ''HASKELL INDIAN NATIONS UNIVERSITY ADMINISTRATIVE SYSTEMS ACT OF 1996''

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell's has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now therefore be it Resolved, That the Isleta Tribal Council supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

RESOLUTION TLS–96–008

Whereas, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution; and

Whereas, the National Congress of American Indians (NCAI) is the oldest and largest national organization established in 1944 and comprised of representatives of and advocates for national, regional, and local Tribal concerns; and

Whereas, the health, safety, welfare, education, economic and employment opportunity and preservation of cultural and natural resources are primary goals and objectives of NCAI; and

Whereas, Haskell Indian Nations University's vision is to become a national center for Indian education, research, and cultural programs that increase knowledge and support the educational needs of American Indians and Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Indian and Alaska Native students in attendance; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian and Alaska Native students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with passage of appropriate legislation; now therefore be it

Resolved, That the National Congress of American Indians does hereby support legislation granting Haskell's Board of Regents the authority to administer the administration services for Haskell Indian Nations University, providing a greater degree of autonomy for Haskell in its transition to a four-year university.

CERTIFICATION

The foregoing resolution was adopted at the 1996 Mid-Year session of the National Congress of American Indians, held at the Adam's Mark Hotel at Williams Center in Tulsa, Oklahoma, on June 3–5, 1996 with a quorum present.

PRARIE BAND POTAWATOMI NATION,
Mayetta, KS, August 4, 1998.

Hon. VINCE SNOWBARGER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN SNOWBARGER: I am writing to ask your strong support of H.R. 4259—''Native American Higher Education Improvement Act.''

A vote for this legislation is a vote for improving the delivery of higher education to American Indians and Alaska Natives.

This legislation provides the authority for Haskell Indian Nations University (''Haskell'') and Southwestern Indian Polytechnic Institute (''SIPI'') to initiate demonstration projects for the development of personnel systems suitable for each school. The main purpose of each demonstration project is to develop classification and hiring systems that are more appropriate and more effective in providing the education programs that meet the needs of American Indians and Alaska Natives.

At present, Haskell and SIPI are the only two Bureau of Indian Affairs institutions which still are required to follow the current Civil Service personnel system, a system not designed to serve the needs of institutions of higher education. The other twenty-eight members of the American Indian Higher Education Consortium (AIHEC) have established personnel systems appropriate to college systems and thus are not required to adhere to the Civil Service system. Likewise, the other 200 other BIA schools (elementary and secondary schools) are not required to follow the Civil Service system, having already been authorized through legislation to establish alternative personnel systems appropriate for educational institutions.

National Haskell Board of Regents ''Resolution 98–10,'' approved unanimously on May 6th, 1998 reflects strong support for this legislation developed through input from not only from Board of Regents members, but also from faculty, staff, NFFE local #45, and tribal members and leaders. There is no provision within this legislation which would alter employee rights. Please note this important fact in responding to opposition from federal employee unions.

Your strong support is needed on behalf of H.R. 4259. This legislation effectively addresses one of the most critical concerns in higher education, namely, having a personnel system that facilitates the recruitment and retention of qualified university-level faculty and staff. This is a particularly critical concern for Haskell's continuing transition from junior college to university status and the beginning of three new baccalaureate degree programs by fall, 1998.

Thank you for your support of American Indian and Alaska Native higher education.

Sincerely,

MAMIE RUPNICKI,
Chairwoman.

ALL INDIAN PUEBLO COUNCIL,
Albuquerque, NM, July 29, 1998.

Hon. VINCE SNOWBARGER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN SNOWBARGER: I am writing to ask for your strong support of HR 4259—''Native American Higher Education Improvement Act.'' A vote for this legislation is a vote for improving the delivery of higher education to American Indians and Alaska Natives.

This legislation provides the authority for Haskell Indian Nations University (Haskell) and Southwestern Indian Polytechnic Institute (SIPI) to initiate demonstration projects for the development of personnel systems suitable for each school. The main purpose of each demonstration project is to develop classification and hiring systems that are more appropriate and more efficient in providing the education programs that meet the needs of American Indians and Alaska Natives.

At present, Haskell and SIPI are the only two Bureau of Indian Affairs institutions which still are required to follow the current Civil Service personnel system, a system not designed to serve the needs of institutions of higher education. The other twenty-eight members of the American Indian Higher Education Consortium (AIHEC) have established personnel systems appropriate to college systems and thus are not required to adhere to the Civil Service system. Likewise, the over 200 other BIA schools (elementary and secondary schools) are not required to follow the Civil Service systems, having already been authorized through legislation to establish alternative personnel systems appropriated for educational institutions.

National Haskell Board of Regents ''Resolution 98–10,'' approved unanimously on May 6, 1998, reflects strong support for this legislation developed through input from not only the members of the Board of Regents, but also from faculty, staff, NFFE local #45, and tribal members and leaders. There is no provision within this legislation which would alter employee rights. Please note this important fact in responding to opposition from federal employee unions.

Your strong support is needed on behalf of HR 4259. This legislation effectively addresses one of the most critical concerns in higher education, namely having a personnel system that facilitates the recruitment and retention of qualified university-level faculty and staff. This is a particularly critical concern for Haskell's continuing transition from junior college to university status and the beginning of three new baccalaureate degree programs by fall, 1998.

Thank you for your support of American Indian/Alaska Native higher education.

Sincerely,

ROY W. BERNAL,
Chairman.

RESOLUTION 98–10

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indians and Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, The Board of Regents of Haskell Indian Nations University has by prior Resolutions No. 96–03 and No. 96–09 authorized the

development of legislation to increase local control necessary for Haskell to evolve as a university; and,

Whereas, Legislation has been drafted and is ready for introduction in the United States Congress that would allow Haskell Indian Nations University to provide culturally sensitive curricula for higher education to members of Indian tribes and improve education for American Indian/Alaska Native students as Haskell continues to make the transition to a four-year university; not therefore be it

Resolved, That the Haskell Indian Nations Board of Regents supports the efforts of the Kansas Congressional delegation in introducing and pursuing passage of legislation presently titled at the ''Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998''; and be it further

Resolved, That Haskell develop its alternative administrative systems in a spirit of cooperation and input from administration, faculty, staff, and students, that its newly developed pay, leave and benefit packages emphasize comparable support for current employees, and that implementation of these alternative systems will not eliminate the right of federal employees to engage in collective bargaining.

We hereby certify that Resolution No. 98–10 was duly considered, voted upon, and passed unanimously on this 6th day of May, 1998, during the annual spring meeting of the National Haskell Board of Regents, held on the campus of Haskell Indian Nations University at which a quorum was present.

SENECA NATION OF INDIANS,
COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT,
Irving, NY and Salamanca, NY, July 24, 1998.

Hon. VINCE SNOWBARGER,
Cannon House Office Building, Washington, DC.

DEAR CONGRESSMAN SNOWBARGER: I am writing to ask for your strong support of H.R. 4259—''Native American Higher Education Improvement Act.''

A vote for this legislation is a vote for improving the delivery of higher education to American Indians and Alaska Natives.

This legislation provides the authority for Haskell Indian Nations University (''Haskell'') and Southwestern Indian Polytechnic Institute (''SIPI'') to initiate demonstration projects for the development of personnel systems suitable for each school. The main purpose of each demonstration project is to develop classification and hiring systems that are more appropriate and more efficient in providing the education programs that meet the needs of American Indians and Alaska Natives.

At present, Haskell and SIPI are the only two Bureau of Indian Affairs institutions which are still required to follow the current Civil Service personnel system, a system not designed to serve the needs of institutions of higher education. The other twenty-eight members of the American Indian Higher Education Consortium (AIHEC) have established personnel systems appropriate to college systems and thus are not required to adhere to the Civil Service system. Likewise, the over 200 other BIA schools (elementary and secondary schools) are not required to follow the Civil Service system, having already been authorized through legislation to establish alternative personnel systems appropriate for education institutions.

National Haskell Board of Regents ''Resolution 98–10,'' approved unanimously on May 6th, 1998, reflects strong support for this legislation developed through input from not only the Board of Regents members, but also from faculty, staff, NFFE local #45, and tribal members and leaders. There is no provision within this legislation which would alter employee rights. Please note this important fact in responding to opposition from federal employee unions.

Your strong support is needed on behalf of H.R. 4259. This legislation effectively addresses one of the most critical concerns in higher education, namely, having a personnel system that facilitates the recruitment and retention of qualified university-level faculty and staff. This is a particularly critical concern for Haskell's continuing transition from junior college to university status and the beginning of three new baccalaureate degree by fall, 1998.

The Board of Regents of Haskell Indian Nation University is comprised of 15 Indian people who represent all of the Bureau of Indian Affair's Services Areas, as well as the Student Senate President of Haskell and the President of the National Haskell Alumni Association.

Attached please find resolution #98–10 which the Haskell Board of Regents approved on May 6, 1998. This resolution gives full support to H.R. 4259: National American Higher Education Improvement Act.

Thank you for your support of American Indian/Alaska Native higher education.

Sincerely,

LANA REDEYE,
Member, Haskell Board of Regents, United Southern and Eastern Tribes Representative.

NATIONAL HASKELL BOARD OF REGENTS,
Lawrence, KS, October 2, 1998.

DEAR CONGRESSMAN SNOWBARGER: Thank you for introducing H. R. 4259, the ''Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998.''

The effort to secure congressional action to further Haskell's transition to a 4-year university has had long-standing support from the Kansas Congressional delegation, the National Haskell Board of Regents, the federally recognized tribes, and the employees of Haskell.

Section 365 of the ''Improving America's Schools Act'' (10/20/94) mandated that ''the Secretary of the Interior shall conduct a study [of administrative systems], in consultation with the Board of Regents of Haskell . . . [And] if the study's conclusions require legislation to be implemented, the study shall be accompanied by appropriate draft legislation.'' That legislation was first introduced in the 104th Congress. Your continued support is appreciated.

I understand that the intent of H. R. 4259 is to give Haskell the authority to have the personnel function moved on campus and to design the personnel system in a way that meets the needs of an institution of higher education. These improvements will be a great support to the quality of education being provided to the American Indian/Alaska Native people.

Respectfully yours,

JEAN WAGNER,
Student Senate President and Member, National Haskell Board of Regents.

TABLE BLUFF RESERVATION WIYOT TRIBE

RESOLUTION #66

Haskell Indian Nations University Administrative System Act of 1996

Whereas Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university of the passage of appropriate legislation: Now therefore be it

Resolved, That the Table Bluff Wiyot Nation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

I, the undersigned, as the Tribal Chairperson of the Table Bluff Wiyot Nation, hereby certify this resolution on this 12th day of November, 1996.

CHERYL A. SEIDNER,
Tribal Chairperson.

PINOLEVILLE INDIAN RESERVATION

RESOLUTION #10–15–96–01

Haskell Indian Nations University Administrative Systems Act of 1996

Whereas Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indians/Alaska Natives; and

Whereas Haskell has identified the need to properly administer a quality educational and student life program for American Indian/Alaska Native students attending Haskell; and

Whereas Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas the lack of control affects the quality of higher education offered to American Indian students; and

Whereas the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation: Now therefore be it

Resolved, That the Pinoleville Band of Pomo Indians of the Pinoleville Indian Reservation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

The Tribal Council of the Pinoleville Indian Reservation does hereby certify at a meeting duly called, noticed, and convened on the 15th day of October, 1996 where a quorum was present, this action was duly adopted by a vote of 4 for, 0 against, and 1 abstaining.

LEONA L. WILLIAM,
Tribal Chairperson.

LENORA BROWN,
Secretary.

ELK VALLEY RANCHERIA

RESOLUTION 96–14

Haskell Indian Nations University Administrative Systems Act of 1996

Whereas: the Elk Valley Rancheria is a Federally recognized Indian Tribe, pursuant to Tillie Hardwick et al vs United States, Civil No. C–79–171–SW, as having Tribal sovereignty status: and

Whereas: the Elk Valley Rancheris has been fully authorized to exercise full governmental powers and responsibilities through the Elk Valley Rancheria Tribal Council: and

Whereas: Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives: and

Whereas: Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas: Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas: the lack of control affects the quality of higher education offered to American Indian students; and

Whereas: the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation; then

Therefore Be It *Resolved*: that the Tribal Council of Elk Valley Rancheria supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

We the unresigned officers of the Elk Valley Rancheria Tribal Council do hereby certify that the Elk Valley Rancheria Tribal Council adopted this Resolution Number 96–14 on November 20, 1996. This Resolution has not been amended in anyway nor rescinded.

JOHN D. GREEN,
Tribal Chairman, Elk Valley Rancheria Tribal Council.
Attested: BRENDA GREEN,
Council Secretary.

RESOLUTION NO. 58–96

Haskell Indian Nations University Administrative Systems Act of 1996

Whereas, The Agua Caliente Band of Cahuilla Indians (the ''Tribe'') is a federally-recognized Indian Tribe governing itself according to a Constitution and By-laws and exercising sovereign authority over the lands of the Agua Caliente Indian Reservation; and

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation.

Now, Therefore Be It *Resolved*, that the Tribal Council of the Agua Caliente Band of Cahuilla Indians supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in this transition to a 4-Year university.

RICHARD M. MILANOVICH,
Chairman.

CERTIFICATION

I, the undersigned, the Secretary of the Agua Caliente Band of Cahuilla Indians, hereby certify that the Tribal Council is composed of five members of whom 5, constituting a quorum, were present at a meeting whereof, duly called, and noticed, convened and held this 5th day of November 1996; that the foregoing resolution was duly adopted at such meeting by the affirmative vote of 4–0–0 members and that said Resolution has not been rescinded or amended in any way.

MARCUS J. PETE,
Secretary/Treasurer.

AKUTAN TRADITIONAL COUNCIL

RESOLUTION 96–21

Haskell Indian Nations University Administrative Systems Act of 1996

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell's has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now Therefore Be It *Resolved*, that the Akutan Traditional Council supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university

CERTIFICATION

I, the undersigned, as President of the Akutan Traditional Council hereby certify this resolution on this 29th day of October, 1996.

_____ _____,
President.

CABAZON BAND OF MISSION INDIANS,
84–245 INDIO SPRINGS DRIVE,
Indio, CA, October 22, 1996.

BOB G. MARTIN,
President, Haskell Indian Nations University, U.S. Department of the Interior, Bureau of Indian Affairs, Lawrence, KS.

DEAR DR. MARTIN: The tribal business committee has reviewed your letter regarding transition to a four year university, and we believe this is an effort worth tribal support. We have enclosed a tribal resolution to that effect.

Sincerely,

MARK NICHOLS,
Chief Executive Officer.

RESOLUTION NO. 10–9–96–3

Re: Legislation to Support Granting Administrative Oversight to Haskell Indian Nations University

Whereas, Cabazon Band of Mission Indians is a federally recognized Indian Tribe with powers of self-government pursuant to its articles of association; and

Whereas, Cabazon Band of Mission Indians Business Committee is fully aware of its options relative to role, functions, authorities and responsibilities, and

Whereas, Cabazon Band of Mission Indians General Council understands that Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the education needs of American Indian/Alaska Natives; and,

Whereas, Cabazon Band of Mission Indians recognizes that Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and,

Whereas, Cabazon Band of Mission Indians has determined that this lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, The Board of Regents of Haskell Indians Nations University seeks to increase local control of the university with the passage of appropriate legislation; now Therefore Be It

Resolved that the Cabazon Band of Mission Indians supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

This is to certify that the above resolution was adopted by the Cabazon Band of Mission Indians Business Committee by a vote of 5 for, 0 against 0 abstaining at a duly called meeting on October 9, 1996.

JOHN JAMES.
CHARLES WELMAS.
ELISA WELMAS.
BRENDA SOULLIERE.
VIRGINIA NICHOLS.
JOHN WELMAS.

SOBOBA BAND OF MISSION INDIANS

RES. NO. CR96–HIC–55

Re: Supporting legislation granting administrative oversight to Haskell Indian Nations University

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation.

Now Therefore Be It *Resolved*, that the Soboba Band of Mission Indians supports Haskell's Board of Regents effort to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

We the elected members of the Tribal Council of the Soboba Band of Mission Indians do hereby certify that the foregoing Resolution was adopted by the Soboba Tribal Council at a duly held meeting convened on the Soboba Indian Reservation on October 15, 1996 by a vote 5 ''FOR'', 0 ''Against'', and 0 ''ABSTAINING'' and such Resolution has not been rescinded or amended in any way.

CARL LOPEZ,
Chairman.

TORRES MARTINEZ DESERT CAHUILLA INDIANS

RESOLUTION #10–96–02

Haskell Indian Nations University Administrative Systems Act of 1996

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now Therefore Be It *Resolved*, that the Torres Martinez Desert Cahuilla Indians nation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university

CERTIFICATION

We the undersigned, as the elected tribal council of the Torres Martinez Desert Cahuilla Indians Nation, hereby certify this resolution on this 12th day of October, 1996, and was ratified by our General Council on 12th day of October, 1996.

MARY E. BELARDO,
Chairperson.
PAULINE DURO,
Vice Chairperson.
HELEN L. JOSE,
Treasurer.
CINDY SIBOLE,
Secretary.
MARY L. RESVALOSO,
Council Member.

UPPER SIOUX COMMUNITY
BOARD OF TRUSTEES,
Granite Falls, MN, October 17, 1996.

Mr. BOB MARTIN,
President, Haskell Indian Junior College, Lawrence, KS.

DEAR MR. MARTIN: On behalf of the Upper Sioux Board of Trustees, I am pleased to enclose our Resolution of support for Haskell to become a 4-year University.

We wish your organization well in this endeavor.

Sincerely,

BRAD LERSCHEN,
Executive Secretary.

UPPER SIOUX COMMUNITY BOARD OF TRUSTEES, USC RESOLUTION NO. 50–96

Whereas, the Upper Sioux Community of Granite Falls, MN is a federally recognized Indian Community possessing the powers of self-government and self-determination, and is governed by the Constitution of the Upper Sioux Community; and

Whereas, the Upper Sioux Community has an elected governing body called the Upper Sioux Board of Trustees which is empowered by the Tribal constitution to act on behalf of the members of the Upper Sioux Community; and

Whereas, Haskell Indian Nations University's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being comprised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation.

Therefore be it resolved, That the Upper Sioux Indian Community of Granite Falls, Minnesota supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

ONEIDA TRIBE OF INDIANS OF WISCONSIN,
RESOLUTION 6–12–96–B

Whereas, the Oneida Tribe of Indians of Wisconsin is a federally recognized Indian government and a treaty tribe recognized by the laws of the United States, and

Whereas, the Oneida General Tribal Council is the governing body of the Oneida Tribe of Indians of Wisconsin, and

Whereas, the Oneida Business Committee has been delegate the authority of Article IV, Section 1 of the Oneida Tribal Constitution by the Oneida General Tribal Council, and

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives, and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; and

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now therefore be it resolved, That the Oneida Nation supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

Be it Further Resolved this nation encourages Congressperson Toby Roth to vote approval of this legislation.

CERTIFICATION

I, the undersigned, as Secretary of the Oneida Business Committee, hereby certify that the Oneida Business Committee is composed of 9 members of whom 5 members constitute a quorum. 9 members were present at a meeting duly called, noticed and held on the 12th day of June, 1996; that the foregoing resolution was duly adopted at such a meeting by a vote of 8 members for; 0 members against; and 0 members not voting; and that said resolution has not been rescinded or amended in any way.

JULIE BARTON,
Secretary, Oneida Business Committee.

STOCKBRIDGE-MUNSEE COMMUNITY,
RESOLUTION NO. 087–96

Whereas, the Stockbridge-Munsee Community, Band of Mohican Indians, is a federally recognized Indian Tribe, exercising its sovereign duties and responsibilities under a Constitution approved November 18, 1937; and

Whereas, the Stockbridge-Munsee Band of Mohican Indians has always given education a high priority among its people, and several tribal members have attended Haskell Institute over the years; and

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaskan Natives; and

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems, which control affects the quality of higher education offered to American Indian students; and

Whereas, The Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation; now

Therefore Be It Resolved, That the Stockbridge-Munsee Band of Mohicans supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

I, the undersigned, as Secretary of the Stockbridge-Munsee Tribal Council, do hereby certify that the Tribal Council is comprised of seven members of whom 7, constituting a quorum were present at a meeting duly called, noticed, and convened on the 17th day of October, 1996, and that the foregoing resolution was adopted at such meeting by a vote of 6 members for, 0 members against, and 0 members abstaining, and that said resolution was not rescinded or amended in any way.

VIRGIL MURPHY,
President.
CAROL GOSS,
Council Secretary.

QUILEUTE TRIBAL COUNCIL, RESOLUTION NUMBER 96–A–87

Whereas, the Quileute Indian Tribe is an organized Indian Tribe under the Indian Reorganization Act; and the Quileute Tribal Council is the duly constituted governing body of the Quileute Indian Tribe; by authority of Article III of the Constitution and By-Laws of the Quileute Indian Tribe approved by the Secretary of the Interior on November 11, 1936; and,

Whereas, the Quileute Indian Tribe enjoys rights reserved to it by the Treaty of Olympia of 1855 and the Quileute Tribe Council has the responsibility under the Constitution to ''promulgate and enforce ordinances. . . .''; and,

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and

Whereas, Haskell's has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a

university vision is being compromised by not having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now Therefore Be It Resolved, That the Quileute Nation supports Haskell's Board of Regents' efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

DOUGLAS WOODRUFF,
Chairman, Quileute Tribal Council.

CERTIFICATION

I certify that Resolution Number _____ was adopted at the regular meeting of the Quileute Tribal Council at LaPush, Washington, on the 31st day of October, 1996 at a time a quorum was present and the Resolution was adopted by a vote of 3 for and 0 against on the 31st day of October, 1996.

PUYALLUP TRIBAL COUNCIL RESOLUTION NO. 221096

Supporting legislation granting administrative oversight to Haskell Indian Nations University to be known as: ''Haskell Indian Nations University Administrative Systems Act of 1996''

Whereas, the Puyallup Tribe has existed since creation as the aboriginal people who are the owners and guardians of their lands and waters; and

Whereas, the Puyallup Tribe is an independent sovereign nation, having historically negotiated with several foreign nations, including the United States in the Medicine Creek Treaty; and

Whereas; the Puyallup Tribal Council is the governing body of the Puyallup Tribe in accordance with the authority of its sovereign rights as the aboriginal owners and guardians of their lands and waters, reaffirmed in the Medicine Creek Treaty, and their Constitution and By-Laws, as amended; and

Whereas, Haskell's vision is to become a national center for Indian education, research and cultural programs that increase knowledge and support the educational needs of American Indian/Alaska Natives; and,

Whereas, Haskell has identified the need to properly administer a quality educational and student life program for American Indian and Alaska Native students attending Haskell; and,

Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by now having control of their administrative systems; and,

Whereas, the lack of control affects the quality of higher education offered to American Indian students; and,

Whereas, the Board of Regents of Haskell Indian Nations University seeks to increase local control of the university with the passage of appropriate legislation;

Now Therefore Be It Resolved, That the Puyallup Tribe of Indians supports Haskell's Board of Regents efforts to gain legislation that provides a greater degree of autonomy for Haskell Indian Nations University in its transition to a 4-year university.

CERTIFICATION

I, Michelle Hamilton, Secretary of the Puyallup Tribal Council of the Puyallup Tribe of the Puyallup Reservation, in Tacoma, Washington, do hereby certify that the proceeding resolution was duly adopted by the Puyallup Tribal Council, at a meeting held on the 22nd day of OCTOBER, 1996, a quorum being present and approving the resolution by a vote of 4 FOR, 0 AGAINST, 0 ABSTAINING, 1 NOT VOTING ITS ADOPTION.

MICHELLE HAMILTON,
Secretary, Puyallup Tribal Council.
BILL STERUD,
Chairman, Puyallup Tribal Council.

Mr. SNOWBARGER. Mr. Chairman, I believe that passage of this legislation is critical to provide Haskell Indian Nations University and Southwestern Indian Polytechnic Institute the opportunity to provide the best possible education for our Native American and Alaskan Indian students.

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

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

Mr. Chairman, I strongly oppose H.R. 4259, because the bill would allow Haskell and Southwestern Indian Universities to undertake personnel demonstration projects that would exempt them from civil service laws covering labor-management relations. That is a very, very important exemption. Employee organizations would as a result no longer have any input into the development of personnel policies and procedures.

I do believe that the gentleman's intentions are good, but at the same time we have a bill which would eliminate the Office of Personnel Management's authority to oversee this demonstration project. OPM would be reduced to the role of a consultant. We simply cannot have that. It would not be able to exercise the scrutiny and ensure the accountability as it is required to do under current law.

During full committee consideration of H.R. 4259, I offered an amendment that would have allowed these institutions to participate in a personnel demonstration project under current law which would have allowed OPM to maintain control and oversight over the process which they are mandated to do and maintain the right of the employees and their unions to negotiate over the terms of the project. No hearings on the issue were held by the Subcommittee on Civil Service, and there is nothing in the record that supports the proponents' view that these universities need special authority to explore new personnel practices.

In May of 1998, the National Haskell Board of Regents resolved that an alternative personnel system be developed, but that, and I quote, implementation not eliminate the right of Federal employees to engage in collective bargaining. Haskell Indian University's Faculty Senate expressed strong support for the resolution in a letter to the Board dated June 30, 1998.

Despite passage of the Board's resolution and attempts by the National Federation of Federal Employees Local 45 to negotiate an agreement providing for the demonstration projects with the universities, the author of this bill included language that would grant sole authority, and I emphasize that, sole authority, to the universities' presidents to determine the methods of involving employees, labor organizations and employee organizations in personnel decisions. This provision eliminates the rights and protections currently available to the employees and their union. It is unwarranted, unfair and a terminal flaw in this bill.

Mr. Chairman, I oppose the bill as introduced, and I will offer an amendment in the nature of a substitute at the appropriate time.

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

Mr. SNOWBARGER. Mr. Chairman, just real briefly, the Board of Regents is the entity that is instructed to work with the president in consultation, and also the Secretary of Interior has veto authority over any plan. He can shut it down at any point in time.

With that, Mr. Chairman, I yield 4 minutes to the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Kansas for introducing this resolution, and I rise in strong support of the legislation. I would like to also thank my friend from Maryland for whom I have a great deal of personal respect for offering his perspective on this issue and on this debate.

Mr. Chairman, it is a fairly simple question we are here to decide today, and I appreciate the intellectual candor of my colleague from Maryland, because in essence what he is asking us to do is to make a choice. Are we in favor of educating the first Americans, and do we owe our first allegiance to the education of the first Americans, or do we instead owe our allegiance to the unions? That is the question here.

I represent more Native Americans than anyone else in the contiguous United States. The Sixth District of Arizona in square mileage is roughly the size of the Commonwealth of Pennsylvania. Within the Sixth District of Arizona are several schools under the control of the Bureau of Indian Affairs. Mr. Chairman, we should make this point: When it comes to education, the Bureau of Indian Affairs, in controlling schools grades K through 12, has already been authorized through legislation to establish these alternative personnel methods appropriate for educational systems. That has happened for grades K through 12. But now we have a situation where we come to two institutions of higher learning and the status quo is saying, ''No, whatever you do, don't change the personnel methods. Make sure that civil service rules and, more importantly, that unions control the educational process.''

I noticed with interest the criticism came because the university presidents would be given control of personnel decisions pertaining to education. Horrors. The school presidents in charge of personnel and curricula at the schools? To me, far from being a foreboding step, that is a commonsense approach.

An elder on the Navajo Nation, Mr. Chairman, put it quite succinctly and clearly to me during a town hall meeting there when he said to me, ''Congressman, as far as I'm concerned, BIA, those letters stand for three things: Bossing Indians around.''

Now, I know there are a lot of dedicated workers in the BIA, and I appreciate the BIA's foresight in elementary schools and other controlled schools to say education is more important than union bargaining. I would simply say that we should follow the example not to have anyone outside the educational institution presume to boss around or dictate or somehow dilute the primary mission of the institution, to educate the first Americans, the first Americans who are too often the forgotten Americans.

As my colleague from Kansas pointed out, during the period of time this legislation was being worked on, union representatives were involved. They have a place at the table. But the question becomes, who should control institutions of higher learning, educators or union bosses?

This is not a very difficult question to answer. Educators should control this. It should follow the blueprint offered for other schools within the BIA framework as these two institutions have that unique status as institutions of higher learning overseen by the BIA. I call for those better instincts and those efforts of many dedicated employees by the BIA not to boss Indians around, but to preserve education.

I gladly and strongly support the legislation.

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

In response to what the gentleman from Arizona (Mr. HAYWORTH) just said, there are two points that I would like to make. At any university, Mr. Chairman, a very important part of that university, of course, are your students. But it is also the faculty that plays a very significant role, too, and those people that make the university work; that is, the employees of the school. Back on June 30, 1998, a memo was sent to the members of the Board of Regents from the Faculty Senate, and they expressly stated, and I quote, that they did not want to, quote, eliminate the right of Federal employees to engage in collective bargaining.

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Another thing that was stated by the gentleman from Arizona (Mr. HAYWORTH) with regard to employees saying that they had an opportunity to be at the table, whatever. In a letter dated July 23, 1998, a letter from Michael Tossi, President of Local 45, the National Federation of Federal Employees, addressed to the gentleman from Kansas (Mr. SNOWBARGER), and I quote part of it because it is quite a long letter, it says:

The employees, the majority of whom are American Indians, feel we have not been given sufficient time or given reasonable opportunity to be involved in the development of this concept. That is the demonstration project. It is our desire to be involved.

They go on to say:

You persist in pushing without asking the people at Haskell Indian Nations University what their views are and what we feel about this legislation.

Again, keep in mind this legislation was never presented before the Subcommittee on Civil Service. We could have had all of these views, we could have had an opportunity to flesh all of this out and come up with a reasonable solution to my colleague's concerns, but we did not do that, and so we are here today.

And let me just go on to just quote just a bit more from that letter from Michael Tossi, the President of the Local 45 union there at the university. He said, and I quote:

We resent what you are doing and the manner you are doing it. It is unscrupulous, unprincipled and discriminatory.

That is what he said, and a university is not just students. A university is the faculty, the university is students, and the university is employees.

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

Mr. SNOWBARGER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas (Mr. SESSIONS).

Mr. SESSIONS. Mr. Chairman, I appreciate the gentleman from Kansas and also have great respect for the gentleman from Maryland who he and I sit on the subcommittee together, and I will tell my colleagues, Mr. Chairman, that the bottom line is that what this is all about is whether we are going to help two schools in Kansas, the Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, be able to compete in the marketplace to be able to get the kinds of teachers and professors that the marketplace regularly has, but that they will be unable to attract directly related to rules of the Federal Government.

This is a marketplace issue. It is an issue about the things, the way to hire employees and the way to keep employees.

One of the bottom line employment problems is always the portability of a retirement plan. The wisdom of this plan that my colleague from Kansas presents today is one that would allow these two universities the opportunity to have a portability of a retirement plan. The way the law exists today is that someone would have to stay employed in a job literally for the rest of their working career before they were able to get back that retirement that they had saved all these years.

The bottom line is the marketplace in academics does not work that way. Professors come and go. Professors have new callings that perhaps they want to leave and have a sabbatical or write a book or teach at another university.

I believe what we have got to do is to recognize that the work that is being done today through this bill would allow these two universities to attract and keep through their recruitment opportunities that they have the chance for a marketplace answer, and that is why I am in full support of this bill that is before us today, and I hope that Members of the Congress are able to recognize that this would be good for these two Indian Nation universities to have.

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

To the point that was just made by my distinguished colleague from Texas (Mr. SESSIONS), I am concerned because what we have in the United States is uniformity with regard to retirement plans. Different retirement and insurance programs could create undesirable inequities in the compensation programs when Federal employees move in and out of the system. That is a major problem, and that does concern me, and that is one of the very reasons why the matter should have come before the committee, so that OPM could have an opportunity to give their side of this to figure out how this matter could be worked out as opposed to us trying to push it through without the proper deliberation. And I emphasize that.

I want to go on and just emphasize some other things.

What we are trying to do, what the bill, the intent of the bill, as I understand it, is to, one of the intentions is to have certain demonstration projects. Well, demonstration projects under current law will allow the institutions to request that the professors' jobs be reclassified at a higher grade. There are other ways to provide for increased pay for instructors which does not violate civil service rules and could have been discussed if a hearing was held. OPM has expressed a willingness to work with the institutions to facilitate an alternative personnel system, and OPM is very serious about this because they want to make sure that they have the uniformity that I talked about a little bit earlier.

These institutions are funded entirely, and I emphasize that, entirely with Federal dollars and should be subject to the same civil service laws as other Federal agencies. Local employees do not support Mr. SNOWBARGER's proposal, as I stated a little bit earlier. The National Federation of Federal Employees objects to going forward with this bill as currently written and has submitted a letter documenting their objections.

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

Mr. SNOWBARGER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Kansas (Mr. RYUN).

Mr. RYUN. Mr. Chairman, first of all I would like to thank my colleague for bringing this important issue to the floor because our Nation's education is

at a crossroads. Because other countries are sending their students to our shores, we must provide our children with the best possible quality education. That is why I rise in support of H.R. 4259.

This bill does resolve some of the problems facing both of our two Indian or Native American colleges. Haskell Indian Nations University in Lawrence, Kansas, has some of the brightest students in the land, but for years Congress has required this institution to operate as a Federal bureaucracy instead of a center for learning. This is wrong. This bill will change that, and we need to be able to make sure we give the students at Haskell every opportunity and advantage they should have. And instead of making learning more difficult, we should pursue ways to help Native American Indians to achieve success in education.

Every Native American tribe in Kansas, and I want to emphasize that, every Native American tribe in Kansas, supports this legislation. Over 50 tribes across this country also support it. In fact, there is not any opposition from a single tribe with this legislation.

This legislation is not about union membership, as some of the Members from the opposite side of the aisle would like to suggest. This is about the rights of Native Americans and their rights to a quality education.

Supporting this legislation supports improved education for Native American Indians. I encourage my colleagues on both sides of the aisle to support this educational measure and vote yes on this bill.

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

Mr. Chairman, I want to just quote from an internal memo from OPM with regard to this legislation because I think it is very important that the very institution, the Office of Personnel Management, whose job it is to oversee this process, we need to know what they say about all this because I think that is very, very important, and that is what basically this debate is all about.

OPM, and I quote, OPM was given authority to oversee personnel management demonstration projects by the Civil Service Reform Act. OPM's years of experience and expertise in the development, evaluation and oversight of such projects would not be used sufficiently if OPM were limited to a consulting role at the discretion of the institution's presidents.

It would be inappropriate to establish a demonstration project, and these are the people who have expertise in this. These are the folks, it is their job to do this. This is what they are saying. It would be inappropriate to establish a demonstration project which could be made permanent as provided in Section 8 of the bill without the accountability provided by independent oversight, evaluation and scrutiny under the normal section 4703 procedures. The limited role provided to OPM by this bill would be insufficient to assure adequate accountability through independent oversight, and I emphasize that, independent oversight of these demonstration projects, particularly since Section 4(h)(2)(B)(ii) would allow continuation of any alternative system of employee benefits even if the demonstration project were terminated. That is a major problem. The legislation does not require a serious evaluation of results of an alternative system prior to that system being made permanent.

And so, Mr. Chairman, I tell my colleagues I understand the intent of the gentleman from Kansas (Mr. SNOWBARGER) and those who support this bill, but at the same time we have to keep some very important things in mind. Whether we like it or not, the institutions are supported solely with Federal funds, and that is very, very significant, and it is not about a question, as the gentleman from Kansas (Mr. RYUN) said a few minutes ago, about just having union involvement.

Again, we are talking about a community. A university is a community: employees, faculty and students, and the arguments are being made as if the faculty and the employees are not American Indians. Well, they are, and what they wanted was to merely have an opportunity to participate in the process.

So I, for the life of me I understand what is being said, but at the same time I think that if we are going to fight for the rights of these presidents to make these decisions to have these demonstration projects and then allow those demonstration projects to become permanent without any kind of oversight, I am very, very concerned about that, and I think we all should be concerned about that.

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

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

Mr. Chairman, if I can make some quick response here to the comments my colleague made? OPM is not an expert in running colleges and universities. The regents and presidents of Haskell and SIPI are. OPM has experience in working with large Federal bureaucracies. The regents and presidents of Haskell/SIPI work day to day in the world of higher education. There is no reason to give OPM a larger role. Where OPM has expertise to offer, both Haskell and SIPI can and will ask for its help. However, it is important to remember that it is OPM's rules and regulations that have made hiring and college recruiting, just to name two examples, very difficult for these institutions.

Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. TIAHRT).

Mr. TIAHRT. Mr. Chairman, I rise today to support H.R. 4259, the Native American Higher Education Improvement Act. This legislation provides much needed flexibility for these two Indian colleges, Haskell Indian Nations University and Southwestern Indian Polytechnic Institute. Both are run by the Bureau of Indian Affairs, and because these institutions are run by the Federal Government and their regulations, they must operate within the confines of the civil service system, and this has created a problem in attracting and employing qualified instructors.

Now, Haskell Indian Nations University, as my colleagues know, is located in my home State of Kansas, and over 900 students attend Haskell each year from 36 States, but the majority of those students come from Oklahoma, Arizona, New Mexico, Montana and Kansas. Over the past few years Haskell has transformed from a junior college into a 4-year institution, and in the spring of 1996, Haskell conferred its first baccalaureate degrees in elementary education. The university is now accredited to confer degrees in environmental education and Indian studies, and they are working hard to progress the educational opportunities for Native Americans.

What we are considering today in this bill gives the Native American colleges the tools they much need to compete.

□ 1500

Because without these tools, recruitment and retention of qualified faculty and staff is too difficult.

Mr. Chairman, I have taught at the college level at two institutions of higher education. The last institution I have taught at is Newman University located in Wichita, Kansas. Of the greatest challenges that face Newman right now is the challenge of attracting qualified personnel because of limitations on salary. If they are set too low, they can not acquire the qualified personnel or compete with larger schools, larger institutions.

Haskell is facing the same problem that Newman faces because their hands are tied by these government regulations. Their efforts are restricted because the civil service system is not structured for a university system. It is not structured in a way that they can compete with salaries.

This bill simply allows these two institutions the flexibility they need to compete with the university system. That, Mr. Chairman, is why I ask my colleagues to join with me in support of this legislation.

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

Mr. Chairman, we are in a situation where we are arguing this bill, but I do not think this bill is going to go but so far anyway.

I just got a memo from the Executive Office of the President, statement of administration policy. I will read it. I think it makes the very points that I have been making.

It says,

Although the administration believes that additional personnel management flexibility is appropriate for the Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, the administration opposes H.R. 4259. The bill would provide these Federally owned and operated universities with special authority to implement 5-year personnel management demonstration projects.

In particular, the administration objects to the demonstration projects authorized under H.R. 4259 because they would do the following: exempt these universities from laws covering Federal employees' leave and benefits, which could have a very real adverse impact on the university's employees and would set a bad precedent for the development of similar initiatives for other Federal entities.

Two, would reduce the Office of Personnel Management's important role in the development, management, and oversight of demonstration projects to that of a consultant.

The administration will work with Congress to find a suitable means of addressing the concerns that prompted this legislation.

I think that what has been stated here is what I have been saying before. I do believe that there are ways to address the issues which are the intent of this legislation. But we must find a way to make sure that OPM keeps its oversight with regard to these issues.

Uniformity becomes very significant. We can make the arguments from now until forever more about how universities are unique, and they are unique. But there are departments that are unique, too, that have special needs and special concerns.

But when we begin to carve out a piece here and carve out a piece there, taking away from the agency which has spent years honing in the expertise; and someone said a few moments ago, one of my colleagues, said, no, they are not experts in universities. Well, the issues that we are talking about here, they are experts in. The fact is is that this is what they do.

So I would submit that the statement from the Executive Office of the President is very clear. They see it as clear as day that this thing can be worked out. The problems can be worked out. They should be worked out, not through the method that we are trying to do here, but other methods.

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

Mr. SNOWBARGER. Mr. Chairman, I yield 3 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Chairman, Southwestern Indian Polytechnic Institute is a school nestled on the banks of the Rio Grande River in my district. It is a small school, much like Haskell. It has 600 students and over 100 different tribes represented there each semester, which really gets to the problem with the criticisms of this bill.

These are two small universities operated directly by the Federal Government by the BIA that are anomalies in a system overseen by the Office of Personnel Management, which is not designed for universities. There are already special rules within the BIA for how they operate elementary schools.

But those rules do not apply to SIPI and to Haskell. As a result, they have to operate under a system which is rigid, which does not apply to them, where they have to try to make cumbersome rules fit a situation that they just do not find themselves in.

I commend my colleague the gentleman from Kansas (Mr. SNOWBARGER) for bringing this legislation forward to try to give these institutions the flexibility they need to better do their job and to educate our children.

I have been to SIPI and talked to the faculty there. I have talked to the President of SIPI, President Elgin, and they are supportive of this legislation. It takes them too long to hire professors. They cannot set out the requirements as they want to do for teachers. They need the flexibility to do this.

There is independent oversight of these two schools. It is called a board of regents. It is something that Federal Government agencies do not have, and OPM is probably not familiar with it.

Uniformity is probably, to paraphrase, the hobgoblin of small minds. We have two small institutions here that need flexibility to do their job better in a pilot program.

It is disappointing to me that the Executive Office of the President is paying more attention to its own bureaucracy and the Office of Personnel Management and not attention to the presidents, the faculty, and the students whom I represent.

I stand in support of this legislation, and I commend my colleague from Kansas for bringing it to the House.

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

Mr. Chairman, I just want to take a moment and read from the current law, in regard to employees' involvement. This is section 40–703. I quote, it says,

Employees within a unit with respect to which a labor organization is accorded exclusive recognition under chapter 71 of this title shall not be included within any project under subsection A of this section, one, if the project would violate a collective bargaining agreement as defined in Section 71–038 of this title between the agency and the labor organization, unless there is another written agreement with respect to the project between the agency and the organization permitting the inclusion or, if the project is not covered by such a collective bargaining agreement, until there has been consultation or negotiation, as appropriate, by the agency with the labor organization.

It goes on to say, under letter H,

The office shall provide for an evaluation of the results of each demonstration project and its impact on improving public management.

I would just challenge the gentleman from Kansas (Mr. SNOWBARGER) to tell us exactly what role union personnel, those people who clean up the school, the faculty, the organizations, the labor organizations, what part will they have, because, they, too, are American Indians. They will be there when the students have graduated.

They, too, have a right to see and be a part of how their institution goes forward. They, too, have an interest in making sure that many of the students, who may very well be their children or grandchildren, are treated fair, and they, too, have an interest in making sure that these universities remain the great universities that they are.

Mr. Chairman, let me just say this, that first of all, I think that we all are concerned about our young people. We are concerned that they rise to the highest levels that they possibly can. We are concerned that our universities, wherever they may be, be the best that they can be. I believe that, with all my heart, and I believe that all Members of this Congress believe the same.

At the same time, we have to look at the factors with regard to this legislation. I think the first thing we have to start off with is that members of our committee, our subcommittee, who are very, very interested in the life and the lives of our civil servants, those people who day out and day in make it possible for all of us to do our jobs and make it possible for these two universities to exist, every member of that subcommittee, every one of them is concerned about them; in addition to the very institutions that those Federal employees support and make possible.

We also are concerned about the Office of Personnel Management. That is an office which is duty bound, by legislation coming from this Congress, the Congress of the United States, saying that there are certain things that they have the authority to do and certain things that they have the responsibility to do. So we also are concerned that going back to that Subcommittee on Civil Service that we never had an opportunity to go through this legislation, to sit down and listen to the faculty of these wonderful institutions. We never had an opportunity to hear from the presidents to see what they were going to say with all of this proposed new authority that the presidents of these universities will be given; never even had the opportunity to hear from even some students that may have had some concerns or parents of students who are paying tuition; never had the opportunity. So that the committee, a very distinguished committee, never had the opportunity to hear any of that.

We find ourselves today going through this legislation. As the administration said, it is bad legislation but we have an administration which is willing to work with the Congress to resolve the issues. So we end up in a situation where on the one hand, we are told that these wonderful institutions should have certain opportunities to do certain things but at the same time, while we are giving them the opportunity to create the various retirement programs and the various personnel rules and things of that nature, at the same time this legislation would leave out another very important

group of American Indians, and those are the members that so happen to be a part of the union, again, the people who support the institution.

Mr. Chairman, I just take this moment to say that I vehemently oppose this legislation. I will have an amendment in the nature of a substitute a little bit later in these proceedings.

Mr. Chairman, I yield back the balance of my time.

□ 1515

Mr. SNOWBARGER. Mr. Chairman, I yield myself the remainder of my time.

First of all, let me thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform and Oversight; the gentleman from Florida (Mr. MICA), who is the subcommittee chairman who dealt with this issue; the gentleman from Pennsylvania (Mr. GOODLING), the chairman of the Committee on Education and the Workforce; and the gentleman from California (Mr. MCKEON), the chairman of the subcommittee, for bringing this legislation to the floor.

I would also like to acknowledge the gentleman from New York (Mr. SOLOMON) and the Committee on Rules and thank them for this open rule that allows us to debate this fully, and I thank all of those who have help bring this to the floor and speak to it.

I want to address some of the concerns that were raised by my colleague from Maryland, and I think the first one I want to raise is the fact that he is very concerned that we have reduced the Office of Personnel Management to the role of consultants. I would show my colleague this brochure put out by the Office of Personnel Management touting their services, and what do they call themselves? Consultants, setting the standard for excellence. They consider themselves consultants, this bill allows them to act as consultants, and I think that SIPI and Haskell will take advantage of their expertise when it is actually helpful.

Mr. Chairman, I want to talk a little bit about another criticism that has been made, and that is about employee involvement. We somehow think that the employees at the school are not going to be a part of this plan, even though for the last 8 years they have been a part of this planning. Employee participation has been an integral part of the process since day one. Beginning in 1990, when Haskell established a long-range planning task force to improve the recruitment and selection process for personnel, members of the local employee union have served on every single task force, planning group and quality improvement team. In most cases, the local union president or vice president has represented the union. Furthermore, employee representatives have been involved in the development of the guiding principles for the demonstration project that the university has been preparing in anticipation of passage of this legislation.

In fact, the following employees have represented the NFFE Local 45 on these boards: 1990 Long Range Planning Task Force, Dan Wildcat and Lee Pahcoddy. 1993 Personnel Quality Improvement Team, Sally Halvorson. 1995 Personnel Quality Improvement Team that developed the legislation recommendations, Sally Halvorson. Additionally, in April of 1996, all employees at Haskell received a copy of the study commissioned by the 1995 team and a copy of the draft legislation. Finally, in the spring of 1997, Sally Halvorson was appointed by the union to represent them on the implementation team for the alternative personnel system.

Mr. Chairman, I would like to address the concern about the collective bargaining process. I am not sure which bill the gentleman from Maryland has read, but H.R. 4259 does not have any effect on current collective bargaining rights, and in addition, the legislation states that the current collective bargaining agreement will remain in effect until its completion, and I would refer the gentleman to pages 7 and 14 of the legislation.

There is also concern that this demonstration project is going to become permanent without independent scrutiny and accountability. That simply is not true. The demonstration projects can only become permanent if Congress passes legislation making them permanent.

Under section 4(D) of the bill, the demonstration projects can only last 5 years. They may be continued without congressional action only to the extent necessary to validate the results of the project. To protect employees, the bill also allows alternative benefit systems to continue for those employees covered by them.

Not only will Congress independently evaluate any proposals to make alternative personnel systems permanent, but the Secretary of the Interior will also evaluate the performance of the projects. Section 3 of the bill requires that. In addition, the Secretary or the president of the institution can also terminate any project if either determines that the project is not in the best interest of the institution, and that is in section 3(E) of the bill.

In short, there will be independent oversight of these demonstration projects, and only Congress can make the project permanent.

Mr. Chairman, I might mention again, as one of my colleagues pointed out, the K through 12 education that is governed by the Bureau of Indian Affairs has been out from under these personnel management policies since the early 1970s, and they have operated and performed very well, and we do not have complaints coming in from those employees in those institutions.

Mr. Chairman, I also want to mention that there is plenty of support for this bill outside the two institutions that we are talking about. There are 55 nations that have indicated their support to us. We will have letters of support to place in the RECORD from 32 of those nations.

Mr. Chairman, to understand why this bill is vital to Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, let us examine what will happen if this legislation does not pass. Without this legislation, the confines of the civil service system will prevent the schools from properly developing their academic programs, and it puts their academic accreditation into jeopardy. Resolution 98–10 from the Haskell Board of Regents says, ''Whereas, Haskell's ability to make a successful transition from a junior college to a university vision is being compromised by not having control of their administrative systems; if this legislation does not pass, we compromise the quality of education for our Native American and Alaskan Indian students.''

Very often we deal with extremely complex issues and lengthy bills in this body. This legislation is different. It is a short bill, only 16 pages long, and it is very straightforward. Simply, it allows two colleges with less than 400 employees to develop appropriate personnel systems. It allows Haskell Indian Nations University and Southwestern Indian Polytechnic Institute to develop portable benefits packages so that they can recruit qualified academic staff.

The bill was introduced and drafted at the behest of one group, the National Haskell Board of Regents. This Board, comprised of 15 members who are elected to represent more than 500 tribes across this Nation, asked me to help them make their institutions great.

Mr. Chairman, this legislation is important for the students of Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, and I would ask my colleagues to support this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. STEARNS). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by section, and each section shall be considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Haskell Indian Nations University and Southwestern Indian Polytechnic Institute Administrative Systems Act of 1998''.

The CHAIRMAN pro tempore. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CUMMINGS OF MARYLAND

Mr. CUMMINGS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CUMMINGS of Maryland:

Strike all after the enacting clause and insert the following:

SECTION 1. AUTHORITY TO CONDUCT DEMONSTRATION PROJECTS.

(a) IN GENERAL.—The Haskell Indian Nations University in Lawrence, Kansas, and the Southwestern Indian Polytechnic Institute in Albuquerque, New Mexico, are authorized to conduct, pursuant to the provisions of chapter 47 of title 5, United States Code, demonstration projects for the purpose of testing the feasibility and desirability of implementing alternative personnel policies and procedures.

(b) LIMITATION INAPPLICABLE.—Any demonstration projects conducted under subsection (a) shall be conducted without regard to, and shall not be taken into account for purposes of, the limitation under section 4703(d)(2) of title 5, United States Code.

(c) COMMENCEMENT AND TERMINATION DATES.—Each demonstration project under this Act—

(1) shall commence within 2 years after the date of enactment of this Act; and

(2) shall terminate by the end of the 5-year period beginning on the date on which such project commences, except that the project may continue beyond the end of such 5-year period to the extent necessary to validate the results of the project.

Mr. CUMMINGS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. CUMMINGS. Mr. Chairman, Haskell Indian University and Southwestern Indian Polytechnic Institute would establish their own alternative personnel systems which would make radical changes in employee benefits, leave programs and labor-management relations. However, they have given no satisfactory explanation as to why they need to do so with specialized demonstration project authority, loaded with exceptions to current law.

My amendment to H.R. 4259 will allow the institutions to participate in a demonstration project under current law. It retains OPM's control and oversight over the process. It would also retain the right of the employees' union to collectively bargain over the terms of the demonstration project.

Mr. Chairman, I might add that the Haskell Indian Nations University Board of Regents, when approving this legislation, said something that was very, very significant that to date has not been read. It simply says,

Be it further resolved that Haskell develop its alternative administrative systems in a spirit of cooperation and input from administration, faculty, staff, and students; that its newly developed pay, leave and benefit packages emphasize comparable support for current employees, and that implementation of these alternative systems will not eliminate the right of Federal employees to engage in collective bargaining.

Mr. Chairman, one of my major concerns is that when I look at the legislation, and I refer to section 4(D), it says, and I quote,

Collective bargaining agreements. Any collective bargaining agreement in effect on the day before a demonstration project under this act commences shall continue to be recognized by the institution involved until the earlier of, one, the date occurring 3 years after the commencement date of the project; 2, the date as of which the agreement is scheduled to expire; 3, such date as may be determined by mutual agreement of the parties.

Basically what that means is that we have a possibility and probability that the very Board of Regents, the very Board of Regents whose job it is and whose duty it is to uplift this great institution has said one thing, and that is that they said that they wanted the administration, faculty, staff and students to have a role in all that goes on here, and they wanted to make sure that collective bargaining went forward, but the bill itself says that it is quite possible that as soon as the agreement runs out, if the agreement runs out, and of course it is calling for, the legislation calls for a 5-year demonstration project, which means that one could literally have a situation where the very intent of the very institution, that is, the Board of Regents, their very intent is actually destroyed by this very legislation.

So my amendment, Mr. Chairman, goes to making sure that OPM maintains the type of authority that it is mandated to have over a federally funded institution.

Mr. Chairman, I urge the Members to vote in favor of my amendment.

Mr. SNOWBARGER. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I found the portion of the resolution that the gentleman from Maryland just read, and it is pretty fantastic when one considers the claims he has been making over the last hour or so that employees are not going to be involved. Here we have a commitment on behalf of the Board of Haskell Indian Nations University to maintain the involvement of employees just as they have been involved in this process over the last 10, 8 to 10 years, since 1990.

The fact of the matter is this amendment is an amendment that tries to say, Washington knows best. It does not matter what one says on the local level about a spirit of cooperation and wanting to work with the employees, we know better how to make sure that happens, and that is we maintain control here in Washington.

Mr. Chairman, the college's ability to offer portable retirement benefits, which would be taken out under the amendment of the gentleman from Maryland (Mr. CUMMINGS), that opportunity, that portable retirement benefit is vital to recruiting experienced teachers from other institutions.

I taught for a couple of years at the college level, and I can tell my colleagues that most college professors participate in a retirement system called TIAA/CREF which allows them to build up pension benefits as they move from school to school in the course of their careers. But if I am an instructor who moves to Haskell or to SIPI, I cannot keep contributing to my TIAA/CREF Creft plan. I also have to enroll in FERS instead, the Federal system. If I stay less than 5 years, and that is a common occurrence for instructors of other colleges, I do not get my benefits, and I make no progress toward providing for my retirement.

This inability to offer the same portable retirement benefits as any other civilian institution of higher education in the country is an enormous handicap in trying to recruit any new teachers and attracting additional professors. This directly impacts the ability to improve the quality of education that the students of Haskell and SIPI receive.

□ 1530

If Members want to improve the quality of Native American education, then reject the substitute and support H.R. 4259. The bill is necessary to permit Haskell and SIPI to compete for top quality educators. We found that candidates for those positions that were initially attracted and wanted to teach at Haskell and SIPI would lose interest when they were told they could not bring their own retirement programs with them or they would be unable to take their retirement benefits earned at Haskell to another university.

The Federal Employee's Retirement System, which would cover new faculty members, is not fully portable. It consists of three parts: Social Security, the Thrift Savings Plan and the FERS basic annuity. And while Social Security and the Thrift Savings benefits are portable, the basic annuity is not. Under FERS, an employee must stay with the government for 5 years to qualify for any retirement benefit. And employees who spend less time are only entitled to a refund of their contributions.

The Civil Service Retirement System is not portable at all. Moreover, testimony before the Subcommittee on Civil Service shows FERS and CSRS are skewed in favor of long-term employees.

The purpose of a retirement system is to attract and retain high-quality employees. A retirement system that discourages high-quality applicants is a hindrance, not a help. It would be a disservice to the students of Haskell and SIPI to force these institutions to stay in the Federal Government's general retirement systems for no other

reason than bureaucratic inconvenience. One size does not fit all.

In the past, Congress has recognized this. Many Federal entities such as the TVA, the State Department, the Federal Reserve Board, have been allowed to develop their own retirement systems to meet their particular needs. It is important to note too that anyone with 1 year's Federal service who is employed at Haskell or SIPI, let me emphasize this, any current employees who have been there for 1 year when this demonstration project begins cannot be required to leave the Federal benefits system. In other words, they can choose between the benefits system that they are under or they can choose a new alternative system if that is what the plan provides for.

Mr. Chairman, to truly help these institutions provide an excellent education for their Native American students, Members should defeat the Cummings amendment, and I ask for their vote on H.R. 4259 as it is written.

Ms. NORTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Cummings substitute amendment. This bill, as much as any I have seen on the floor in recent weeks, shows how little comity we have in this body, for this is a matter that could have been worked out.

Instead, this is a bill going for a veto, apparently enthusiastically. The Cummings substitute is a good faith substitute. For example, it contains an exception to the cap on demonstration projects indicating that the gentleman from Maryland (Mr. CUMMINGS) is not against such demonstration projects on their face.

I have to say for the record that there are parts of this bill that I am personally sympathetic with. First of all, I detest bureaucracy. Do not forget, I am from the District of Columbia where I have had to live with insane rules. I am always going after my own people to break through to where the meat is.

Moreover, I am myself an academic, a tenured professor of law who teaches a seminar every other Monday at Georgetown University Law Center. So, I am sympathetic with the flexibility that I think an academic institution needs.

But I have to ask, Mr. Chairman, why would anybody want to do a demonstration project without monitoring it to see what has been demonstrated so that one could spread it or correct it?

Now, the Cummings substitute has the expert government agency monitoring and evaluating this demonstration project, the OPM. Whereas the bill itself has the Secretary of Interior who knows nothing, of course, about personnel and other issues involved in this bill.

I can just see it now, Mr. Chairman. At some point if this bill were ever passed and signed, somebody in this body would ask for the GAO to do an evaluation of this matter because an expert group had not, in fact, evaluated it.

If we want it to have any integrity, if we want it to have any credibility, why not have OPM, which has not an iron in that fire, look at it, evaluate. If we do not like what they say, we can always look at it ourselves in committee.

Moreover, leaving employee organizations out of the development of such a project is a recipe for disaster. Modern American business understands how these things have to work these days. Bring everybody in under the umbrella and make it go. Otherwise, we leave the dissenters on the outside, leave those who represent the employees on the outside, leaving dissension.

We need employee cooperation if we are serious about success. We do not have to get union cooperation on everything that we do, but sitting down and talking with them is a whole lot better way to assure success than leaving them out to throw stones. The fact is, if we had had hearings on this bill, we probably could have worked out many of these issues. I, for one, would have sought a compromise because so many parts of this bill I am sympathetic with.

Instead, we thought this bill was not going to come forward. It leaps over all of the rules of this body and appears, voila, on the floor.

Mr. Chairman, what I ask that this body do is take this piece of legislation, do not go for a veto, instead go for a bill. Send this bill back or, in the alternative, support the Cummings substitute.

Mr. TIAHRT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, all that we have been asking to do under this bill was to allow Haskell and Southwestern Indian Polytechnic Institute some flexibility to compete in the open market within the university system so that they can attract additional qualified personnel to come to these two institutions and help Native Americans expand the opportunities that they have for higher education.

That is what was progressing fine, and now we are hearing the potential veto threat that this is not going to be accepted by the administration, that they want to continue to keep these two institutions with their hands tied.

If Members have read the ''Trail of Tears,'' they know that this government for far too long has manipulated Native Americans. I think it is time that we allow them some flexibility in order to enable them to move into a competitive market.

In Wichita, Kansas, we have Wichita State University. It is a fine institution under the Kansas Board of Regents and they have a retirement system that is competitive, so that they are competitive with other institutions across the Nation, so they can bring in qualified instructors to teach at such a fine institution. And I have no idea why someone would want to leave such a fine institute as Wichita State University, but if they were to decide to leave and go to Haskell or go to Southwestern Indian Polytechnic, then they would be risking, I think they would be risking the retirement benefits that they have been building up. This would make it very unattractive for them to move to this institution to help try to raise the level of education for Native Americans.

What this bill says that is being proposed by the gentleman from Kansas (Mr. SNOWBARGER) is that we allow this flexibility. Instead, now we have a substitute that we are facing offered by the gentleman from Maryland (Mr. CUMMINGS), and essentially what he is doing is gutting the bill, eliminating the possibility of any alternate systems of retirement or any alternate benefits. What does that do? It again limits the opportunities that these two institutions have in going out and finding a solution to their problems of bringing in new faculty.

What is the issue behind this? Why are we facing this? It seems to be a conflict between giving just two schools, Haskell University and the Southwestern Indian Polytechnic Institute in Albuquerque, New Mexico, the opportunity to go out and compete. Or do we keep them restricted by civil service guidelines and by limited retirement benefits? Do we free them up to go compete or do we bind them up?

There are millions of employees under the civil service system. The government has control over all of their benefits. Here we are just asking for a little flexibility to improve these two institutions. And we did not do it in the dark. It was not done in the dark. They involved the schools. They involved the employees. They involved the unions.

The solution was: Give us a little flexibility to come up with a system so that we can attract new personnel in. Do not bind our hands. Give us the flexibility to bring in new talent so that we can raise the level of education at these two institutions.

Well, now we have this substitute that is not supported by the Indian tribes. I have a list here of the 32 tribes that are going to submit a letter in support of H.R. 4259. And rather than read those, knowing that they are part of the RECORD, I just would want to say that this has strong support by both these institutions, by the people that are at these institutions, even the unions that are involved, and certainly these 32 tribes who have gone out so far as to write a letter in support of this legislation.

So, I would ask my colleagues to vote against the amendment offered by the gentleman from Maryland (Mr. CUMMINGS), and vote for H.R. 4259.

Mr. FORD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would say to the gentleman from Maryland (Mr.

CUMMINGS) thank you for the opportunity to say a few words. And I share the same concerns that the gentleman from Kansas (Mr. TIAHRT) expressed so eloquently.

As a Member of the Subcommittee on Civil Service of the Committee on Government Reform and Oversight, there are a lot of things that we have done this year that people have complained about that the full committee has done. And I would say that a lot of things that the subcommittee has done under the leadership of the gentleman from Florida (Mr. MICA) and the gentleman from Maryland (Mr. CUMMINGS) that we have been applauded for.

Some of the problems that have been expressed and raised by both of my dear friends probably could have been addressed and rectified and their concerns could have been assuaged at a minimum, if not altogether eliminated, had we on this committee had an opportunity to address some of those concerns.

Mr. Chairman, I would like to reemphasize three points that have been raised. Current law already provides sufficient authority for an agency to conduct a demonstration project. And the different retirement and insurance programs could create undesirable inequities in the compensation programs if Federal employees moved in and out of the system. I am certain that my colleagues on both sides of the aisle could understand that concern that not only we on this side of the aisle have, but workers would have as well.

And finally, employee organization will not have any input in the development of the demonstration project. Again, it is my hope that my colleagues will oppose H.R. 4259 and support the substitute offered by the gentleman from Maryland.

Mr. Chairman, I yield to the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. Mr. Chairman, I thank the gentleman from Tennessee for yielding me this time. I think that the points that the gentleman made are very significant. The gentleman from Tennessee (Mr. FORD) is a very hard-working member of our subcommittee and as he said clearly, I mean, we just want an opportunity to see this legislation come before the subcommittee so that we could effectively address it.

One thing I might also say is that we are very fortunate to have probably one of the most closely knit subcommittees in the Congress in the Committee on Government Reform and Oversight Subcommittee on Civil Service. We have done a lot of things in a bipartisan manner. I think that this is something that we could have worked out.

But be that as it may, let me just go on to say that one of the things I think we are losing focus on here is that these universities, 100 percent of their budget is coming from the Federal Government. I think that is very, very significant.

I understand and all of us, as I said a little bit earlier, understand and want our young people to rise up to be the best that they can be. We want our universities to be the best that they can be. But we also know that this is a community effort; employees, faculty, and students coming together.

Mr. Chairman, I hope that my colleagues will vote against this bill.

Mr. HORN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I come at this problem with a little bit of background. Former university president for 18 years, having worked with the various schools in terms of improving the quality of their instruction. And I am sure this amendment means well. But I know from experience that it should not be applied in this situation, or any situation in which we want to attract first-rate professionals.

□ 1545

I think we need flexibility, and Indians deserve better in education than simply overregulation.

The reason I speak very strongly on this is, when what became the California State University was first authorized by the California legislature in 1961, and now one of the major series of universities in America, with probably the best deal, they made one mistake: they brought two high officials of the civil service system in Washington to California. It took us two decades to work our way out of that.

We cannot attract the best people for either faculty or support staff if we do not have freedom to reward people based on their accomplishments. And the Indians deserve no less.

When I was vice chairman of the United States Commission on Civil Rights, I spent a week on the Navajo reservation looking at the type of Indian schools that were there and what happened to these young people. As president of my own university, I built the Indian ratio up, starting with my first year. Nineteen had been there in a University of 26,000, and all had gone. We raised that to 1 percent, 2 percent of the student body of 35,000. So we had hundreds of Indian students on campus. And we brought in young high school students to give them aspirations that they too could go to college and not be treated as second-class citizens.

This is not a 2-year college. We are talking about a 4-year college. If we are to have the faculty that we should have if we have a 4-year college, or a 4-year institute, or a 4-year university, then we need flexibility, we need reward systems, we need to provide them with the kind of environment that they can hold their head up high with other faculty members throughout the United States. And we need to be able to retain faculty members. We need to have a decent salary and benefits. We cannot just be thrown into the batch of regulations that the civil service once had, and still too much of it hangs over many operations that ought to be much more professional.

The whole purpose of this legislation, and I commend its author, is to upgrade the schools and to see that they serve their communities, and that makes a lot of sense to me. But if we want to wreck it and just be so-so and say, well, Indians are not good enough to go to a university, then that is what this amendment says, and I would vote against it.

They are good enough, and they need people there that will work with them, understand them, be their faculty and support staff. I think Haskell Indian University and the Southwestern Polytechnic Institute will be a real breakthrough for Indian students in the United States.

So if we vote down the amendment and vote for the bill, we will have done the right thing.

The CHAIRMAN pro tempore (Mr. STEARNS). The question is on the amendment in the nature of a substitute offered by the gentleman from Maryland (Mr. CUMMINGS).

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

RECORDED VOTE

Mr. CUMMINGS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 181, noes 244, not voting 9, as follows:

[Roll No. 485]

AYES—181

Abercrombie
Ackerman
Allen
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Bonior
Borski
Boswell
Brady (PA)
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Sabo

Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Stabenow
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn

NOES—244

Aderholt
Archer
Armey
Bachus
Baesler
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (AK)
Young (FL)

NOT VOTING—9

Boucher
Kennelly
Matsui
Parker
Poshard
Pryce (OH)
Riggs
Rush
Stark

□ 1609

Messrs. BILBRAY, FRANKS of New Jersey, MCHUGH and EHRLICH changed their vote from ''aye'' to ''no.''

Mr. HEFNER, Ms. DANNER and Mr. MORAN of Virginia changed their vote from ''no'' to ''aye.''

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. STEARNS). Without objection, the bill through section 8 will be considered read.

There was no objection.

The text of the remainder of the bill is as follows:

SEC. 2. FINDINGS.

The Congress finds that—

(1) the provision of culturally sensitive curricula for higher education programs at Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute is consistent with the commitment of the Federal Government to the fulfillment of treaty obligations to Indian tribes through the principle of self-determination and the use of Federal resources; and

(2) giving a greater degree of autonomy to those institutions, while maintaining them as an integral part of the Bureau of Indian Affairs, will facilitate—

(A) the transition of Haskell Indian Nations University to a 4-year university; and

(B) the administration and improvement of the academic program of the Southwestern Indian Polytechnic Institute.

SEC. 3. DEFINITIONS; APPLICABILITY.

(a) DEFINITIONS.—For purposes of this Act:

(1) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(2) EMPLOYEE.—The term ''employee'', with respect to an institution named in subsection (b), means an individual employed in or under such institution.

(3) ELIGIBLE.—The term ''eligible'' means an individual who has qualified for appointment in the institution involved and whose name has been entered on the appropriate register or list of eligibles.

(4) DEMONSTRATION PROJECT.—The term ''demonstration project'' means a project conducted by or under the supervision of an institution named in subsection (b) to determine whether specified changes in personnel management policies or procedures would result in improved personnel management.

(b) APPLICABILITY.—This Act applies to—

(1) Haskell Indian Nations University, located in Lawrence, Kansas; and

(2) Southwestern Indian Polytechnic Institute, located in Albuquerque, New Mexico.

SEC. 4. AUTHORITY.

(a) IN GENERAL.—Each institution named in section 3(b) may conduct a demonstration project in accordance with the provisions of this Act. The conducting of any such demonstration project shall not be limited by any lack of specific authority under title 5, United States Code, to take the action contemplated, or by any provision of such title or any rule or regulation prescribed under such title which is inconsistent with the action, including any provision of law, rule, or regulation relating to—

(1) the methods of establishing qualification requirements for, recruitment for, and appointment to positions;

(2) the methods of classifying positions and compensating employees;

(3) the methods of assigning, reassigning, or promoting employees;

(4) the methods of disciplining employees;

(5) the methods of providing incentives to employees, including the provision of group or individual incentive bonuses or pay;

(6) the hours of work per day or per week;

(7) the methods of involving employees, labor organizations, and employee organizations in personnel decisions; and

(8) the methods of reducing overall staff and grade levels.

(b) CONSULTATION AND OTHER REQUIREMENTS.—Before commencing a demonstration project under this Act, the president of the institution involved shall—

(1) in consultation with the board of regents of the institution and such other persons or representative bodies as the president considers appropriate, develop a plan for such project which identifies—

(A) the purposes of the project;

(B) the types of employees or eligibles to be included (categorized by occupational series, grade, or organizational unit);

(C) the number of employees or eligibles to be included (in the aggregate and by category);

(D) the methodology;

(E) the duration;

(F) the training to be provided;

(G) the anticipated costs;

(H) the methodology and criteria for evaluation, consistent with subsection (f);

(I) a specific description of any aspect of the project for which there is a lack of specific authority; and

(J) a specific citation to any provision of law, rule, or regulation which, if not waived, would prohibit the conducting of the project, or any part of the project as proposed;

(2) publish the plan in the Federal Register;

(3) submit the plan so published to public hearing;

(4) at least 180 days before the date on which the proposed project is to commence, provide notification of such project to—

(A) employees likely to be affected by the project; and

(B) each House of Congress;

(5) at least 90 days before the date on which the proposed project is to commence, provide each House of Congress with a report setting forth the final version of the plan; and

(6) at least 60 days before the date on which the proposed project is to commence, inform all employees as to the final version of the plan, including all information relevant to the making of an election under subsection (h)(2)(A).

(c) LIMITATIONS.—No demonstration project under this Act may—

(1) provide for a waiver of—

(A) any provision of law, rule, or regulation providing for—

(i) equal employment opportunity;

(ii) Indian preference; or

(iii) veterans' preference;

(B) any provision of chapter 23 of title 5, United States Code, or any other provision of such title relating to merit system principles or prohibited personnel practices, or any rule or regulation prescribed under authority of any such provision; or

(C) any provision of subchapter II or III of chapter 73 of title 5, United States Code, or any rule or regulation prescribed under authority of any such provision;

(2) impose any duty to engage in collective bargaining with respect to—

(A) classification of positions; or

(B) pay, benefits, or any other form of compensation; or

(3) provide that any employee be required to pay dues or fees of any kind to a labor organization as a condition of employment.

(d) COMMENCEMENT AND TERMINATION DATES.—Each demonstration project under this Act—

(1) shall commence within 2 years after the date of enactment of this Act; and

(2) shall terminate by the end of the 5-year period beginning on the date on which such project commences, except that the project may continue beyond the end of such 5-year period—

(A) to the extent necessary to validate the results of the project; and

(B) to the extent provided for under subsection (h)(2)(B).

(e) DISCRETIONARY AUTHORITY TO TERMINATE.—A demonstration project under this Act may be terminated by the Secretary or the president of the institution involved if either determines that the project creates a substantial hardship on, or is not in the best interests of, the institution and its educational goals.

(f) EVALUATION.—

(1) IN GENERAL.—The Secretary shall provide for an evaluation of the results of each demonstration project under this Act and its impact on improving public management.

(2) INFORMATION.—Upon request of the Secretary, an institution named in section 3(b) shall cooperate with and assist the Secretary, to the extent practicable, in any evaluation undertaken under this subsection and provide the Secretary with requested information and reports relating to the conducting of its demonstration project.

(g) ROLE OF THE OFFICE OF PERSONNEL MANAGEMENT.—Upon request of the Secretary or the president of an institution named in section 3(b), the Office of Personnel Management shall furnish information or technical advice on the design, operation, or evaluation, or any other aspect of a demonstration project under this Act.

(h) APPLICABILITY.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, all applicants for employment with, all eligibles and employees of, and all positions in or under an institution named in section 3(b) shall be subject to inclusion in a demonstration project under this Act.

(2) PROVISIONS RELATING TO CERTAIN BENEFITS.—

(A) OPTION FOR CERTAIN INDIVIDUALS TO REMAIN UNDER CURRENT LAW GOVERNING CERTAIN BENEFITS.—

(i) ELIGIBLE INDIVIDUALS.—This subparagraph applies in the case of any individual who, as of the day before the date on which a demonstration project under this Act is to commence at an institution—

(I) is an employee of such institution; and

(II) if benefits under subchapter III of chapter 83 or chapter 84 of title 5, United States Code, are to be affected, has completed at least 1 year of Government service (whether with such institution or otherwise), but taking into account only civilian service creditable under subchapter III of chapter 83 or chapter 84 of such title.

(ii) OPTION.—If a demonstration project is to include changes to any benefits under subpart G of part III of title 5, United States Code, an employee described in clause (i) shall be afforded an election not to become subject to such demonstration project, to the extent those benefits are involved (and to instead remain subject to the provisions of such subpart G as if this Act had not been enacted).

(B) CONTINUATION OF CERTAIN ALTERNATIVE BENEFIT SYSTEMS AFTER DEMONSTRATION PROJECT TERMINATES FOR PERSONS BECOMING SUBJECT THERETO UNDER THE PROJECT.—Notwithstanding any other provision of this Act, the termination of a demonstration project shall not, in the case of an employee who becomes subject to a system of alternative benefits under this Act (in lieu of benefits that would otherwise be determined under subpart G of part III of title 5, United States Code), have the effect of terminating—

(i) any rights accrued by that individual under the system of alternative benefits involved; or

(ii) the system under which those alternative benefits are afforded, to the extent continuation of such system beyond the termination date is provided for under the terms of the demonstration project (as in effect on the termination date).

(3) TRANSITION PROVISIONS.—

(A) RETENTION OF ANNUAL AND SICK LEAVE ACCRUED BEFORE BECOMING SUBJECT TO DEMONSTRATION PROJECT.—Any individual becoming subject to a demonstration project under this Act shall, in a manner consistent with the requirements of section 6308 of title 5, United States Code, be credited with any annual leave and any sick leave standing to such individual's credit immediately before becoming subject to the project.

(B) PROVISIONS RELATING TO CREDIT FOR LEAVE UPON SEPARATING WHILE THE DEMONSTRATION PROJECT IS STILL ONGOING.—Any demonstration project under this Act shall include provisions consistent with the following:

(i) LUMP-SUM CREDIT FOR ANNUAL LEAVE.—In the case of any individual who, at the time of becoming subject to the demonstration project, has any leave for which a lump-sum payment might be paid under subchapter VI of chapter 55 of title 5, United States Code, such individual shall, if such individual separates from service (in the circumstances described in section 5551 or 5552 of such title 5, as applicable) while the demonstration project is still ongoing, be entitled to a lump-sum payment under such section 5551 or 5552 (as applicable) based on the amount of leave standing to such individual's credit at the time such individual became subject to the demonstration project or the amount of leave standing to such individual's credit at the time of separation, whichever is less.

(ii) RETIREMENT CREDIT FOR SICK LEAVE.—In the case of any individual who, at the time of becoming subject to the demonstration project, has any sick leave which would be creditable under section 8339(m) of title 5, United States Code (had such individual then separated from service), any sick leave standing to such individual's credit at the time of separation shall, if separation occurs while the demonstration project is still ongoing, be so creditable, but only to the extent that it does not exceed the amount of creditable sick leave that stood to such individual's credit at the time such individual became subject to the demonstration project.

(C) TRANSFER OF LEAVE REMAINING UPON TRANSFER TO ANOTHER AGENCY.—In the case of any employee who becomes subject to the demonstration project and is subsequently transferred or otherwise appointed (without a break in service of 3 days or longer) to another position in the Federal Government or the government of the District of Columbia under a different leave system (whether while the project is still ongoing or otherwise), any leave remaining to the credit of that individual which was earned or credited under the demonstration project shall be transferred to such individual's credit in the new employing agency on an adjusted basis under regulations prescribed under section 6308 of title 5, United States Code. Any such regulations shall be prescribed taking into account the provisions of subparagraph (B).

(D) COLLECTIVE-BARGAINING AGREEMENTS.—Any collective-bargaining agreement in effect on the day before a demonstration project under this Act commences shall continue to be recognized by the institution involved until the earlier of—

(i) the date occurring 3 years after the commencement date of the project;

(ii) the date as of which the agreement is scheduled to expire (disregarding any option to renew); or

(iii) such date as may be determined by mutual agreement of the parties.

SEC. 5. DELEGATION OF PROCUREMENT AUTHORITY.

The Secretary shall, to the maximum extent consistent with applicable law and subject to the availability of appropriations therefor, delegate to the presidents of the respective institutions named in section 3(b) procurement and contracting authority with respect to the conduct of the administrative functions of such institution.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated, for fiscal year 1999, and each fiscal year thereafter, to each of the respective institutions named in section 3(b)—

(1) the amount of funds made available by appropriations as operations funding for the administration of such institution for fiscal year 1998; and

(2) such additional sums as may be necessary for the operation of such institution pursuant to this Act.

SEC. 7. REGULATIONS.

The president of each institution named in section 3(b) may, in consultation with the appropriate entities (referred to in section 4(b)(1)), prescribe any regulations necessary to carry out this Act.

SEC. 8. LEGISLATION TO MAKE CHANGES PERMANENT.

Not later than 6 months before the date on which a demonstration project under this Act is scheduled to expire, the institution conducting such demonstration project shall submit to each House of Congress—

(1) recommendations as to whether or not the changes under such project should be continued or made permanent; and

(2) proposed legislation for any changes in law necessary to carry out any such recommendations.

The CHAIRMAN pro tempore. Are there further amendments?

If not, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LATOURETTE) having assumed the chair, Mr. STEARNS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4259) to allow Haskell Indian Nations University and the Southwestern Indian Polytechnic Institute each to conduct a demonstration project to test the feasibility and desirability of new personnel management policies and procedures, and for other purposes, pursuant to House Resolution 576, he reported the bill back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

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

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.