

regulatory review and oversight function, the agency assessments and statements prepared in section 403(a). OMB shall determine whether such assessments are detailed, thorough, and otherwise in compliance with section 402.

(c) EFFECTIVE DATE.—Section 403 shall take affect 3 months after the date of enactment of this Act:

SEC. 404. DEFINITIONS.

For the purposes of this title:

(1) The term "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

(A) the General Accounting Office;

(B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities.

(2) The term "major rule" means—

(A) a rule or a group of closely related rules that the agency or the President reasonably determines is likely to have an annual effect on the economy of \$100,000,000 or more in reasonably quantifiable direct and indirect costs, or has a significant impact on a subsector of the economy; and

(B) a rule or a group of closely related rules that is otherwise designated a major rule by the agency proposing the rule, or is so designated by the President, on the ground that the rule is likely to result in—

(i) a substantial increase in costs or prices for wage earners, consumers, individual industries, nonprofit organizations, Federal, State, or local government agencies, or geographic regions; or

(ii) significant adverse effects on wages, economic growth, investment, productivity, innovation, the environment, public health or safety, or the ability of enterprises whose principal places of business are in the United States to compete in domestic and export markets.

For purposes of subparagraph (A) of this paragraph, the term "rule" does not mean—

(I) a rule that involves the internal revenue laws of the United States;

(II) a rule that authorizes the introduction into commerce or recognizes the marketable status of a product, pursuant to sections 408, 409(c), and 706 of the Federal Food, Drug, and Cosmetic Act;

(III) a rule exempt from notice and public procedure pursuant to section 553(a) of title 5, United States Code; or

(IV) a rule relating to the viability, stability, asset powers, or categories of accounts of, or permissible interest rate ceilings applicable to, depository institutions the deposits or accounts of which are insured by the Federal Deposit Insurance Corporation, or the Share Insurance Fund of the National Credit Union Administration Board.

(3) The term "market-based mechanism" means a regulatory requirement that:

(a) imposes legal accountability for the achievement of an explicit regulatory objective on each regulated person;

(b) affords maximum flexibility to each regulated person in complying with mandatory regulatory objectives, which flexibility shall include, but not be limited to, the opportunity to transfer to, or receive from, other persons, including for cash or other

legal consideration, increments of compliance responsibility established by the program; and

(c) permits regulated persons to respond automatically to changes in general economic conditions and in economic circumstances directly pertinent to the regulatory program without affecting the achievement of the program's explicit regulatory mandates.

(4) The term "rule" has the same meaning as in section 551(4) of title 5, United States Code, except that such term does not include—

(A) a rule of particular applicability that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers or acquisitions, or accounting practices or disclosures bearing on any of the foregoing.

(B) a rule relating to monetary policy proposed or promulgated by the Board of Governors of the Federal Reserve System; or

(C) a rule issued by the Federal Election Commission or a rule issued by the Federal Communications Commission pursuant to sections 315 and 312(a)(7) of the Communications act of 1934.●

By Mr. SHELBY:

S. 292. A bill to provide Federal recognition of the Mowa Band of Choctaw Indians of Alabama; to the Committee on Indian Affairs.

THE MOWA BAND OF CHOCTAW INDIANS
RECOGNITION ACT

● Mr. SHELBY. Mr. President, today I am reintroducing the Mowa Band of Choctaw Indians Recognition Act. This particular piece of legislation has passed the Senate three times in the past two Congresses. While I would prefer not to have to pursue congressionally granted recognition for the Mowa Choctaws, this course of action has been dictated by the institutional resistance of the Bureau of Indian Affairs to Federal recognition of the Mowa.

The Mowa Choctaws originally applied for Federal recognition in 1983. A State-recognized tribe with 3,500 members, the Mowa live within the boundaries of the original Choctaw Nation in Mobile and Washington Counties of Alabama. Mowa ancestors were signatories of the treaty of Dancing Rabbit Creek which provided for the nonremoval of Indian families. Under the treaty, the signatories and their descendants were entitled to retain their rights to Choctaw citizenship.

The Mowa Choctaws have maintained an intense Indian identity over the past 160 years and have petitioned Congress for Federal recognition or to redress treaty grievances several times, beginning as early as 1836. Because of the failure of the BIA to act upon their petition in a timely manner, the Senate Committee on Indian Affairs reported the bill in both the 102d and 103d Congress with the recommendation that the Mowa be granted full Federal recognition.

Only recently has the BIA acted upon the petition. In December, the BIA, after 12 years of delay, issued a preliminary finding denying the Mowa pe-

tion. However, the BIA only acted upon the petition when it became likely that the bill would pass the Congress and be sent to the President for his signature. I find this conduct at best suspicious, and most likely reflective of the BIA's longstanding bureaucratic disposition against the proposal.

Mr. President, I have no intention of dropping this issue, regardless of the position of the BIA. Indeed, Congress granted Federal recognition to one-half dozen Indian tribes last year without the approval of the BIA. Congress writes the laws of this land. Career and appointed bureaucrats do not. The Mowa case is stronger than scores of past petitions for recognition that were approved, and I will continue to work to see that Congress rectifies this bureaucratic injustice and grants the Mowa Choctaws the Federal recognition that they deserve.●

ADDITIONAL COSPONSORS

S. 230

At the request of Mr. DOLE, the names of the Senator from New Jersey [Mr. BRADLEY], the Senator from Idaho [Mr. CRAIG], and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors of S. 230, a bill to prohibit United States assistance to countries that prohibit or restrict the transport or delivery of United States humanitarian assistance.

S. 250

At the request of Mr. MCCONNELL, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 250, a bill to amend chapter 41 of title 28, United States Code, to provide for an analysis of certain bills and resolutions pending before the Congress by the Director of the Administrative Office of the United States Courts, and for other purposes.

S. 262

At the request of Mr. GRASSLEY, the names of the Senator from Indiana [Mr. LUGAR] and the Senator from Wyoming [Mr. THOMAS] were added as cosponsors of S. 262, a bill to amend the Internal Revenue Code of 1986 to increase and make permanent the deduction for health insurance costs of self-employed individuals.

S. 270

At the request of Mr. SMITH, the name of the Senator from Pennsylvania [Mr. SANTORUM] was added as a cosponsor of S. 270, a bill to provide special procedures for the removal of alien terrorists.

SENATE RESOLUTION 37

At the request of Mr. PACKWOOD, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of Senate Resolution 37, a resolution designating February 2, 1995, and February 1, 1996, as "National Women and Girls in Sports Day."