I will be attending to official business in my congressional district.

Had I been present, I would have voted ''yes.''

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, today on roll-call vote 420, I voted ''yes.'' I intended to vote ''no.''

GENERAL LEAVE

Mr. SAXTON. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 2863.

The SPEAKER pro tempore (Mrs. EMERSON). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

GUADALUPE-HIDALGO TREATY LAND CLAIMS ACT OF 1998

Mr. HASTINGS of Washington. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 522, and I ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 522

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. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974 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 Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, modified by striking the last two sentences of subsection (c) of section 6. Each section of that amendment in the nature of a substitute 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. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. 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 (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the distinguished gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume.

Madam Speaker, 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. Madam Speaker, H. Res. 522 is an open rule providing 1 hour of general debate to be equally divided between the chairman and ranking minority member of the Committee on Resources.

The rule waives points of order against the consideration of the bill for failure to comply with section 303(a) of the Congressional Budget Act of 1974. The rule makes in order as an original bill for purposes of amendment the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill, as modified, and considered as read.

The rule further permits the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD and considers them as read.

In addition, the rule allows the Chair to postpone recorded votes and reduce to 5 minutes the minimum time for electronic voting on any postponed votes, provided voting time on the first in a series of questions shall be not less than 5 minutes.

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

Madam Speaker, H.R. 2538 establishes the Guadalupe-Hidalgo Treaty Land Claims Commission to review petitions from eligible descendants regarding the validity of certain land claims in New Mexico arising from the Treaty of Guadalupe-Hidalgo of 1848.

In order to be eligible for consideration under this act, petitions by eligible descendants must be filed within 5 years of the bill's enactment.

This legislation was reported by the Committee on Resources by voice vote on May 20, 1998. The Congressional Budget Office estimates that implementing the bill will cost approximately $1 million per year over the fiscal year 1999–2003 period. The bill may affect direct spending, so pay-as-you-go procedures will apply. However, CBO estimates that any such effects will total less than $500,000 per year.

Madam Speaker, this legislation is sponsored by our colleague the gentleman from New Mexico (Mr. REDMOND) representative and was originally introduced by our former colleague, the Honorable Bill Richardson. It is strongly supported by the New Mexico delegation and, accordingly, I encourage my colleagues to support both the rule and H.R. 2538.

Madam Speaker, I reserve the balance of my time.

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

(Ms. SLAUGHTER asked and was given permission to revise and extend her remarks.)

Ms. SLAUGHTER. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me the customary 30 minutes.

Madam Speaker, I rise in support of this open rule and urge my colleagues to support it so that all potential improvements to this legislation may be considered.

The underlying bill establishes a presidential commission to make recommendations to resolve land claims in New Mexico by descendants of people who were Mexican citizens when the treaty ending the Mexican-American War was signed in 1848.

The bill also authorizes the establishment of a research center to assist the commission and authorizes $1 million annually in fiscal year 1999 through fiscal year 2007 for the purpose of carrying out the activities of the commission and the center.

Opponents of the bill argue that it contains numerous flaws and fails to deal with the substantive questions raised by the land claims and opens the door to numerous future land claims. The bill fails to specify exactly which lands in New Mexico are eligible for consideration, since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, as well as the Treaty of Guadalupe-Hidalgo.

Furthermore, the treaty covered all or parts of several other Western States. Thus, the bill also opens the door to numerous potential land claims down the road in all of these other States.

The bill contains no legal standards or rules of evidence by which the commission is to judge any claim that is brought forth. As a quasi-judicial body, there are potential conflicts of interest in having eligible descendants serving as members of the commission, and with the commission being able to accept gifts, especially from those who may benefit from the commission's decisions.

Finally, the bill neglects existing legal precedent. Since the ratification of the Treaty of Guadalupe-Hidalgo in 1848, more than 200 Federal, State, and district court decisions have interpreted the treaty, with the Supreme Court deciding almost half the major cases. Several laws also were enacted in the 19th century to address such claims.

In addition, there have been subsequent agreements with Mexico that have addressed treaty claims. This bill ignores this body of law and legal decisions and reopens land grants to commission review.

Nevertheless, Madam Speaker, I will support this open rule to allow the full debate of the legislation.

Madam Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Madam Speaker, I yield 2 minutes to the gentleman from Texas (Mr. BONILLA).

Mr. BONILLA. Madam Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding.

Madam Speaker, I rise in support of the rule and in support of the Guadalupe-Hidalgo Treaty Land Claims Act. I want to commend my colleague the gentleman from New Mexico (Mr. REDMOND) for bringing this important matter to the attention of Congress. It is a remarkable accomplishment on his part, especially as a freshman Member of this body.

This bill rights a wrong, Madam Speaker. After annexing New Mexico from Mexico, our government failed to honor the commitments it made in the Treaty of 1848 to respect the property rights of landowners. Many Mexicans who became American citizens as a result of the treaty lost all right and title to much of their lands.

This bill takes the first step to right this wrong that was committed by the Government. It restores land the Federal Government had taken from individuals. This is a property rights issue in its most pure and simple form. Citizens should be compensated for property that is wrongfully taken from them.

The bill also protects the property rights of current landowners in New Mexico. Any compensation to affected parties will come from Federal lands.

This bill has been carefully crafted and will not allow for Federal land to be handed to any person who simply asks for it. The bill sets up a commission and any claims have to be presented to the commission and the legal claim must be proven. Then the commission will make recommendations to Congress for final consideration. The bill lays out a fair process for all claims to be heard.

This legislation represents what is best about America: fairness, equality, and opportunity. It seeks to right the wrongs of the past. It says the rule of law will prevail and prevail over us all equally.

I cannot count the number of times I have stood before my colleagues on the House floor and argued for property rights of landowners across this country. I stand here again in support of property rights and encourage my colleagues to do the same and support this important piece of legislation.

Once again, I want to commend my friend the gentleman from New Mexico (Mr. REDMOND) for working so diligently to ensure this bill is considered by Congress. He has worked every day since he has been elected to support this issue that is supported strongly by people in his congressional district and from areas that are outside his congressional district as well. It is very important to New Mexicans that we pass this rule and this bill, and I hope that the rest of my colleagues see fit to vote for the rule and for the bill.

□ 1130

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Madam Speaker, I rise in support of the open rule, but I rise in reluctant opposition to the legislation. I appreciate the hard work that my colleague from New Mexico has done on this bill, but I believe the bill creates a larger problem than it solves.

The Treaty of Guadalupe-Hidalgo between the United States and the Republic of Mexico was signed in 1848. Since then, over 150 years ago, more than 200 Federal and state decisions have interpreted the treaty. Even the highest court in the land, the U.S. Supreme Court, has had the opportunity to review multiple land claims related to the treaty. In fact, the large number of claims in new Mexico arising from the treaty led to the establishment of a court of private land claims in 1891. This bill disregards 150 years of case law history and empowers a quasi-judicial commission to revisit all land claims arising from the treaty, even if our own judicial system has thoroughly reviewed and adjudicated the claim.

What sort of precedent would this be setting? Maybe we should expand the commission's scope so that all land claims arising out of any treaty can be reopened by the commission. Should we, for example, provide an avenue for disgruntled Americans who feel the Louisiana Purchase violated their ancestors' rights? Where is the logical stopping point?

For Congress to best serve the potential claimants, we must demand those empowered to determine the merit of land claims utilize the tools already developed within the judicial branch.

For these reasons, I urge my colleagues to oppose this legislation.

Mr. HASTINGS of Washington. Madam Speaker, I yield two minutes to the gentleman from California (Mr. BILBRAY).

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

Mr. BILBRAY. Madam Speaker, I think that we have got to remember that the United States signed a treaty with the people of Mexico. This treaty specifically required that Mexican nationals who are in the territory to be annexed by the United States make a decision, a decision to either pack up and go to Mexico and retain their Mexican citizenship and to abandon their property in the U.S., or to stay in the United States and, as the treaty states, take on the embodiment of the people of the United States, take on the obligations of the culture and the citizenship of the United States.

With that responsibility, to take on the obligations of citizens of United States, came the rights that were vested by all American citizens, either born or nationalized or converted through the Treaty of Guadalupe-Hidalgo.

We are talking about the fact that we need to address the fact that with the responsibilities that the Treaty of Guadalupe-Hidalgo required these Mexican nationals to take on came the rights of American citizens, the right to be able to have property rights, to be able to have due process.

Let us be very frank about that: It was a very, very tough time to try to figure out how a nation could absorb such a huge area as the Mexican cessation. And let us be frank about that; justice and property rights were violated again and again, as it does in any country.

We are not immune from those problems. I would just ask that we support the gentleman from New Mexico's bill, but let us support this rule, let us address it and debate it, but also talk about the fact that with the responsibilities of citizenship comes the rights of property protection. Those rights were not always guaranteed, and need to be addressed.

This is a chance for this Congress to revisit this issue, to address it, and then to be able to say is it or is it not appropriate that we move on from now on. I think, Madam Speaker, this is an issue of property rights, but it is also an issue of human rights. If we expect those nationals and their ancestors to bear the responsibilities of citizenship, they should have the rights.

Ms. SLAUGHTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Madam 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. HASTINGS of Washington). Pursuant to House Resolution 522 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. 2538.

□ 1136

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. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the Treaty, with Mrs. EMERSON 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 Utah (Mr. HANSEN) and the gentleman from California (Mr. MILLER) each will control 30 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN)

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

Madam Chairman, H.R. 2538, introduced by the gentleman from New Mexico (Mr. REDMOND), would establish a commission to examine the validity of certain land grants in New Mexico arising under the Treaty of Guadalupe-Hidalgo.

H.R. 2538 is a very important piece of legislation. We have ample evidence that the United States has failed in its obligation to defend the property rights of a group of people in the State of New Mexico, yet the U.S. Government has ignored this grave injustice for over 150 years.

Hispanic descendants have been fighting for over 150 years to get the Federal Government to look into that matter, to get someone to bring this matter before Congress. Well, it has finally happened. Since he was elected last year, the gentleman from New Mexico (Mr. REDMOND) has worked tirelessly to restore the property rights to these people from New Mexico and to bring this matter to everyone's attention. So before I explain H.R. 2538, I would just like to commend the gentleman from New Mexico (Mr. REDMOND) for working so hard to finally bring this important matter to the floor of the United States Congress.

Madam Chairman, in 1848 the United States signed the Treaty of Guadalupe-Hidalgo with Mexico. Under this treaty, Mexico sold the United States the lands that now compromise California, Nevada, Utah, Arizona, New Mexico and parts of Colorado and Wyoming. At that time there were several communities of Mexican citizens living in what is now the State of New Mexico who were living on community land grants given to them by the King of Spain. The Treaty of Guadalupe-Hidalgo contained a provision that guaranteed that the United States would respect these people's property rights. Yet, over the next few years, this section of the treaty was totally ignored. Ultimately, most of these lands ended up in the hands of the Federal Government, the same government that signed the treaty and guaranteed the protection of these property rights.

H.R. 2538 would establish a five member commission to examine the validity of petition community land grant claims filed by eligible descendants. Once the commission finishes its research, it will submit its finding to the President and to Congress. Congress will then decide how to proceed.

I want to emphasize, this is only a commission. The only power this commission would have would be to look into the validity of these community land grant claims and then to make recommendations to the Congress. These recommendations would be nonbinding and would have no legal effect, unless Congress decides to act on them in subsequent legislation.

Madam Chairman, as I have said, H.R. 2538 is very important. There is substantial evidence that these people have been deprived of property rights that are by treaty rightfully theirs. We have an obligation to look into that matter. I think the provisions of this legislation are the best way to do this. I urge my colleagues to support H.R. 2538.

Madam Chairman, I reserve the balance of my time.

Mr. MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman I rise in strong opposition to H.R. 2538. This poorly-drafted piece of legislation does a disservice to the important issues involved here. This bill is also a very controversial measure which the administration strongly opposes.

No one can tell us how many potential land grants or claims there may be or what Federal, state or private lands would be affected by this bill. The Treaty of Guadalupe-Hidalgo covered all parts of present day California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming and Utah. We are creating here a new standard for the consideration of treaty claims in every one of those states. Although this legislation is limited to New Mexico, clearly the standard here has potential to be exercised with respect to those states, and it is a very poor standard and could proliferate and affect current land ownership in every one of those states.

H.R. 2538 contains no legal standard or rules of evidence for the commission to apply. We have no idea as to the quality or the amount of evidence available in support of or to disprove these claims. This Congress certainly should be sensitive to the very real concerns about the conflict of interest involving who would serve on the commission charged with reviewing the claims. Should this quasi-judicial body include eligible descendants who might have issues before the commission? Should a commission charged with considering such sensitive and potentially inflammatory issues be allowed to receive gifts, especially from those who may benefit from the commission's decisions?

While the rule for H.R. 2538 includes a self-executing amendment to strike the provision on the taxability of gifts to the commission, this correction fails to address the underlying problems of such gifts and potential conflicts of interest and the beneficiaries of the rulings of the commission that those gifts raise.

Members should be aware that this bill deals not only with claims involving the Federal Government, but also claims involving actions of private parties and claims involving actions of a private party and a local government. This opens up the Federal Government to potentially hundreds of millions of dollars in liability for actions that we were never a part of. We were never a party to these actions, and yet this legislation is asking us to open up the Federal Treasury to those actions.

Why does this bill permit claims against Federal forest and other Federal assets to compensate for actions taken by state and local government or private parties? If state and local governments took actions which prejudice these individuals, which put these people at a disadvantage, then state and local governments ought to compensate these people, not the Federal Government. If private parties did this, then private parties ought to compensate these people, not the Federal Government.

We are Uncle Sam, we are not Uncle Sucker, and this legislation suggests that we are the latter.

This bill represents a very serious challenge to private property rights, which I find surprising coming from those who frequently assert the primacy of such rights when dealing with other legislation. In committee we attempted to limit the applicability of this act to public lands, but the majority defeated that amendment. So, under this bill, claims can be made against lands that are in private ownership, that have been in private ownership for generations. If claims against privately-held lands is upheld, once again the Federal Government is called upon to parcel out public resources to compensate the claimant, even though the Federal Government does not own the disputed land and may not have been involved in all of the actions that deprived the claimants' ancestors of the land.

So, once again, in a dispute between two private individuals, the remedy here is to reach your hand into the Federal treasury, into the taxpayers' pocket, and suggest that we compensate those individuals, even though we were not involved in those proceedings.

For those who do not think this bill will affect private property, I suggest you look again. Allowing land claim petitions to include private lands will cloud the title of those private properties. What will be the response of a title insurance company or a lending institution to private land that the commission has under review?

□ 1145

Who suggests for a moment that that property right is going to be insured or

the transfer of that land can take place or that money can be borrowed on that, given whatever the needs are of the owners of those lands?

Title insurance, lending institutions, insist upon clear title. Once the commission has made a determination that there is potentially a valid claim, that claim can languish for many years and that property owner can be prejudiced during that entire process awaiting the determination of Congress.

Let me say this, that these treaty claims are not new. There have been more than 200 court decisions involving the treaty, with the U.S. Supreme Court having decided almost half of the major cases. Nor has the Congress ignored the issue. In fact, Congress has dealt with these claims on several occasions, including passage of the 1891 Act that established the Court of Private Land Claims to deal specifically with land claims in New Mexico. As a result of these laws, 504 claims were confirmed by the Congress while hundreds of spurious, forged, antedated claims were dismissed.

H.R. 2538 ignores this body of law, ignores these legal decisions, ignores the determinations of the Congress and reopens hundreds of these claims, hundreds of these claims, to new review by this commission.

Madam Chairman, the interest of the public and many private parties, including any potential claimants, have been poorly served by this legislation. This is a politically inspired piece of legislation that is far from expediting the judicious review of legitimate claims. It will provoke a division and bias because the bill is so poorly drafted.

H.R. 2538 represents a threat to private property, contains unwarranted conflicts of interest provisions, will cost the Federal taxpayers potentially hundreds of millions, if not billions, of dollars for actions that were taken by others, including State and local officials.

Lastly, let me remind every Member that this legislation initially was written not to cover just New Mexico but also California, Texas, Arizona, Colorado, Nevada, Wyoming and Utah. If this flawed legislation is enacted, you can bet that the House will be called upon to pass similar legislation in these other States affecting millions of our constituents and raising justifiable concerns about their property rights and holdings.

So this is not a free vote. It is a precedent that will come back to haunt us and to haunt our constituents and to haunt the Federal Treasury. So I urge that the House reject this piece of legislation.

Finally, let me say this, that there is nothing that prevents people from filing these claims, from filing these claims against properties, and then simply waiting around for a financial settlement, because what you have done is you have impeded a person's ability to freely transfer their private property, to freely mortgage their private property, to pass it on to their heirs, to use it how they will, and then you simply wait for a financial settlement.

There is no shortage of people, as we have seen in every one of these efforts, there is no shortage of people that make that decision that this is just a matter of raising enough obstructions, filing enough lawsuits, and the minute there is success here, if in fact there is success, then we will move on to these other States and we will be called upon to set up similar commissions and make the Federal taxpayers and the Federal Treasury a party to proceedings, to perhaps injustices, that they were never a part to.

This is a Federal remedy for an action that the Federal Government was not involved in. I think we are about to repeat a very sad history and we are about to do a serious injustice to Federal taxpayers and a serious injustice to many private landowners that have believed, and properly so, that the title to their land was settled many, many generations ago. They once again now are all going to be exposed to this legal problem.

You will not be able to answer this by walking in and just putting down your claim and saying, this is my property, it was my father's property, my grandmother's property and so forth. You will have to go out, get yourself an attorney, start that process, and a lot of people are going to find themselves in a position of jeopardy through no fault of their own, through no fault of the Federal Government, through no fault of their ancestors, but they will simply have to remove that cloud from their property. I do not think that is an action that this Federal Government ought to sanction.

Madam Chairman, I reserve the balance of my time.

Mr. HANSEN. Madam Chairman, I yield 3 minutes to the gentleman from Florida (Mr. DIAZ-BALART).

Mr. DIAZ-BALART. Madam Chairman, I thank the gentleman for yielding time.

Madam Chairman, I have been very impressed, since the gentleman from New Mexico (Mr. REDMOND) arrived in this chamber, with his extraordinary perseverance and leadership on the issue of redress for what is, yes, a historic injustice but it is nevertheless an injustice.

One of the characteristics that I think speak very highly of the people of the United States of America is that Americans redress and rectify injustice, even when it is historic, and even when it is an injustice of generations ago. It is without doubt, it can be without doubt, that at the end of the war between the United States and Mexico, many of the rights that were given by the Treaty of Guadalupe-Hidalgo to the citizens who were previously Mexican citizens and then became American citizens, many of the rights that were given to them under that treaty were not complied with.

What the gentleman from New Mexico (Mr. REDMOND) is seeking to do in this historic legislation is not to give the Commission that this legislation is creating any judicial powers, but it is authorizing this commission to review and make recommendations to Congress with regard to precisely any historic injustices that have not been redressed and have not been remedied.

So I think we owe a debt of gratitude to this representative, the gentleman from New Mexico (Mr. REDMOND), who so courageously and with great leadership is bringing this matter to the floor. I commend him again.

This is an extremely important matter, Madam Chairman. The reality of the matter is that these citizens, these citizens who became Americans virtually overnight, many of them at the time, nearly 80,000, their rights were not always protected. And it is many of the descendents of those citizens who have long maintained that the United States did not fulfill the obligations under the treaty and that the Mexicans who became American citizens lost their rights and their titles to much of their property.

That is why an analysis of this situation, a thorough study has to be done. That is why this commission is an important idea, and that is why the gentleman from New Mexico (Mr. REDMOND) has to be congratulated and supported for his leadership, and we must all support this legislation today.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, I rise in opposition to this measure. It was stated on the floor that this issue has gone unresolved for 150 years, and in fact, of course, I think most of us recognize in the Mexican-American War that occurred in the middle of the last century that there was an issue here of equity and land claims that did persist after that conflict. But the fact is that in a letter from the Department of State, they point out, and did point out to the committee, that there had been a 1941 settlement between Mexico and the United States, and I would just quote from it:

> The United States of America and the United Mexican States reciprocally cancel, renounce and hereby declare satisfied all claims of whatever nature of nationals of each country against the government of the other which arose prior to the date of the signing of this convention, whether or not filed, or formally or informally presented to either of the two governments.

So the implication that this has not been addressed is not taking into consideration the fact that there has been this settlement based on the initial treaty.

There have been numerous questions raised with regard to this. Some of these claims would be as much as 150 years old. The fact is that this legislation before us that charges this responsibility to I believe a 5-member commission has no legal standards that

they need follow, rules of evidence for the commission to apply to the decisionmaking, rights to be afforded to third parties whose property rights might be affected, and finally, no judicial review of the court's decisions.

Now, some have suggested that this is only a study. The Commission is not only doing a study. We are giving them various types of subpoena power, various authorities and status. It does not take much of an understanding of law to recognize that once these findings are made, that they are going to establish legal clouded title over many lands in New Mexico. I think that once we do that, we set that up as a legal point, a point of argument that will be made and indeed will cloud title of public and private property in New Mexico and the other seven States.

I can speak of that particular problem, because it has occurred with regards to Native American lands in my own State of Minnesota. We had to pass legislation to try and rectify that after it occurred. That is exactly what this legislation does.

Now, of course, this legislation and the treaty apply to California, Texas, New Mexico, Arizona, Colorado, Nevada, Wyoming, and Utah. The legislation before us suggests only that it applies to New Mexico. Well, is there any doubt that what we are establishing here as standards will become precedent once this commission makes its findings? Are we going to deny the same sort of treatment to land claims that might arise in Texas or in other States? I mean we are setting and establishing standards.

The fact is that this is a flawed, a very flawed measure in terms of resolving this issue. If Congress has this interest and want to resolve this matter, then rather than delegating this to a commission, we ought to bring these matters to the Congress in terms of oversight and find greater substance to these matters before we send such long-term problem to a commission.

In terms of a sense of a solution, this is flawed and should not be acted on. Obviously the State Department has voiced concerns about it. There should be concerns because of the clouded titles that this would create, the precedent that it sets up, and a variety of other problems that arise with regards to this legislation. That there are feelings and concerns about what happened to various land claims that grew out of the Mexican-American War, there can be no doubt. But there has been an effort, an effort 57 years ago, to resolve that problem which is being resurrected in 1998 without any clear policy path that is established as to how this will be resolved in the end, as to what the obligation is and whose obligation.

This could expose the United States, at the very least, to exchanging lands, to greater uncertainty, and certainly to hundreds of millions, if not billions of dollars of liability that would grow out of a flawed system, a commission-type of system with judicial-types of significant powers to use the mail to do a variety of things that can, in fact, and would, in fact, be presented to Congress as a predicate for action.

I just think that this is the wrong way to go at this point. I think this needs a lot more study and review by the committee rather than the brief hearings that they have had, and then the perfunctory consideration on the floor here today when it has been put ahead of another bill which most of us thought was going to be considered first.

I think the bill deserves to be rejected. I will not offer the amendments on property rights and other amendments that were offered in committee today. I just do not think it is possible to improve this bill. The predicate for it is wrong. This is not the way to go. The Members ought to reject this. It will expose, and many in these States apparently have little regard for the Federal lands that might be in those States that would be used. I just think it is a very disruptive process. I think it could invite the same sort of precedent with regards to Native American issues, and certainly with regards to these other States that are excluded from this, and that we should really think twice before we vote on this.

Madam Chairman, this deserves to be defeated and brought back up and considered in a more deliberate manner.

□ 1200

Mr. HANSEN. Madam Chairman, I am proud to yield 2 minutes to my friend, the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Madam Chairman, I thank the gentleman for yielding time to me.

Madam Chairman, the Treaty of Guadalupe-Hidalgo was not just a treaty between two nations, it was a treaty between the United States and individuals that we required to make a choice within a year either to be Mexican citizens or U.S. citizens.

In that contract that we signed called the Treaty of Guadalupe-Hidalgo, we said there were going to be certain rights that the Federal Government would uphold. One of those rights was the right to be able to retain their property based on appropriate deed evidence.

The trouble is, Madam Chairman, the fact is that there were a whole lot of false documents written up. Deeding was made right and left by the Mexican Governors while the U.S. occupational forces were coming on. Sadly about this, those who had a paper in their hand to be able to claim rights were usually those who had just gotten a deed from their buddy who happened to be the Governor, but those who were families like the family who owned Rancho at the Point had been there, the oldest ranch in one part of this territory, that had totally been forgotten because they did not have a deed because their father and grandfather had owned this property. They did not hold the deed, to have a piece of paper.

The fact is, as so often, in the process those who had been the scallywags, they had deeds given to them, technically illegally by a Governor in the last minutes of the retention of the Mexican government; they were given deeds, while those who had been long-term owners did not have that piece of paper that the American courts recognize. So those deeds and that evidence was not in hand by the descendants at that time.

Let me remind Members, this contract is not just those who owned property at that time. It states, ''* * * and with their heirs.'' And with their heirs, it is the fact that at that time they did not have a piece of paper. Today we have the ability to go into Seville, to go into Madrid, and find the original documents of deed that were not available historically in many ways. In fact, there are many historical documents we are just discovering now in the Mexican archives, or in the Spanish archives.

The fact is, there was another negative, Madam Chair. Many grants were not recognized strictly because they were along the frontier with Mexico, and there was a concern about what was perceived as a Mexican threat, that deeds were not granted Mexican or ex-Mexican citizens because of the proximity to the border. We need to rectify that. I support the bill.

Mr. MILLER of California. Madam Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Madam Chairman, if the gentleman would continue to yield, I would just point out that if this is such an important bill that needs to be rectified, why are seven of the eight States that are affected being excluded from this particular bill?

This commission is going to be set up for 10 years, it is going to get $1 million a year and then it is going to make the recommendations to Congress. I think the idea is that we intend to place some credence in what it is doing. Yet, the procedures that are followed are flawed. The concept only addresses itself to one State.

The gentleman from California (Mr. BILBRAY) rose to talk about the injustices that are occurring here, but apparently they are only important as they apply to the treaty areas in New Mexico, not to Arizona, not to California, not to Texas, not to the other five states.

I understand there is some concern about it, but if we set up a procedure that is flawed, if we set up a commission with all sorts of dollars and with no procedure, well, can we trust, and it is it really a leap of faith in terms of saying this commission is going to provide the answer? There is no provision for conflict of interest for the members that belong to the commission, or would be appointed to it. That could very well be the case. I just think we have a bill that needs a lot more work.

Mr. MILLER of California. Madam Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. MILLER of California. Madam Chairman, it is interesting, because we set up a commission that is going to make these judgments. It is no skin off their tail, because all they are doing is handing out public lands and Federal assets to solve what they perceive to be a problem.

So whether or not the claim is valid or just or what have you, it really does not matter to them because it is not coming out of their pocket. They are just coming, and if private parties injured one another or local governments injured one another, if the commission finds that to be the case, they just hand out a Federal remedy. They hand out Federal assets. It is an incredible process. This is like if the gentleman from Utah (Mr. HANSEN) and I get into a fight, and whichever one of us loses, we pay them by dipping into your pocket. It does not make any sense. You were not a party to the fight.

I can understand if people want to limit this to where the Federal Government was a party to the situation here, but that is not what this bill does. This bill makes the Federal Government liable for the actions of a lot of other people and entities that the Federal Government was not a party to.

It is just incredible that we would allow people to go around and make a raid on the Treasury of the United States based upon actions that the Federal Government was not a party to. I thank the gentleman for raising that.

Mr. VENTO. Madam Chairman, we are giving this commission the dollars and I do not think the proper guidance. It is actually seven out of eight States that are not included in this, only the State of New Mexico is the focus. This is a 10-year commission we are setting up.

Fundamentally, this is $10 million in new spending. There are no additional dollars here being recognized that this is going to cost the State Department, this is going to cost the land management agencies, in order to try and deal with this. This is just the tip of the iceberg, the $10 million that is placed in this bill that is authorized by this bill. We can double or triple that particular amount, and we are basing it on a flawed supposition in terms of the charge we are giving to this particular commission.

Also, we are only dealing with one State, so we can probably multiply that number by eight or ten times in terms of the commissions that are going to have to be established based on this bill. We are looking at a bill that is going to cost hundreds of millions of dollars, just in terms of the judicial process, no doubt about that and that will just be for attorneys and legal redtape.

One of the ways to cut through this is by dealing with the clouded titles, but we do not have that solution. I think that proposition ought to be before the committee, before the Committee on Resources, before other committees of this body, not delegated to a commission that Congress will have little or no control over in the final analysis. These may be appointed by Clinton, they may be appointed by subsequent executives. We have little control over this type of commission in terms of what happens and what they might report. We do not even deal with the conflict of interest issues with regard to these individual Members that may have such conflicts of interest in some of these lands that affect themselves.

This is an invitation to problems. This bill, if it is such a wonderful bill, would apply to all eight of the States. They will not do that because they cannot, because the issue is the costs of this, the costs would be too wide, and the scope of the problem is too great. Why would this commission only be limited to New Mexico? I cannot understand that other than as a means of damage control.

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

Mr. HANSEN. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from New Mexico (Ms. HEATHER WILSON).

Ms. WILSON. Mr. Chairman, I think I can answer some of the questions put by my colleagues from California and Minnesota. The fact is that the reason that this applies to New Mexico is because the bulk, the vast bulk of these land grants are in New Mexico. That is where, for 150 years, there has been a simmering dispute and bad feeling among the citizens of the State of New Mexico about the taking of lands.

We are now celebrating this year the 400th anniversary of the settlement of the Southwest by Spain. It was only 250 years later that that part of what is now the United States became part of the United States. I believe that this bill is about justice, it is about saying to the people of the State of New Mexico that America keeps its promises, that we provide ways to redress grievances, and that we will consider the facts and the claims on the merits, and do what is right and what is just. It requires congressional action for any land to be transferred.

All this commission does is look at the facts, take the evidence, evidence which people from New Mexico, from my district and from my colleagues' districts, have been asking people to look at for over 100 years. That is fair and just, and I want to commend my colleague from northern New Mexico (Mr. REDMOND) for his persistence and diligence and determination to bring this bill to the floor of the House of Representatives.

Mr. MILLER of California. Mr. Chairman, I yield 6 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Chairman, I rise in opposition to H.R. 2583, a bill which establishes a presidential commission to make recommendations to resolve land claims in New Mexico, and quite possibly other States, by descendents of people who were Mexican citizens when the treaty ended the Mexican war. It was signed in 1848.

Mr. Chairman, H.R. 2538 sets up a presidential commission out of this Treaty of Guadalupe-Hidalgo, and obviously for the claimants and their supporters this is a matter of considerable interest. However, I believe we saw from our hearing that we held in the subcommittee this bill needs anything but a simple answer. There are many questions that need answering.

As we learned from the hearings that were held previously in the subcommittee, we do not know how many potential land grants or claims there may be. Since portions of New Mexico were acquired in the Louisiana Purchase, the annexation of Texas, and the Treaty of Guadalupe-Hidalgo, we do not know exactly what parts of the State are affected by this legislation.

Since, also, this bill deals solely with New Mexico, we do not know if there are claims in other States covered by the treaty. Further, the lands in question may include numerous tracts in private as well as public ownership, and may even include parts of some Indian pueblos or reservations.

Mr. Chairman, I have the greatest respect for the gentleman from New Mexico as the chief sponsor of this legislation, but given the fact that the administration does not support this legislation, the questions still abound concerning this piece of legislation. If we establish a commission for New Mexico, let us establish a commission for Texas, for Colorado, or other States that were formerly part of Mexico after this treaty was signed.

I believe there are still problems with this legislation, and we ought not to support it.

Mr. VENTO. Mr. Chairman, will the gentleman yield?

Mr. FALEOMAVAEGA. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, this settlement of the treaty that is 57 years old I would just point out has never been successfully legally challenged in court. I am talking about the clouded titles that occurred with Native American lands, because there was a clouded title issue with regard to Native American lands. The courts found that. The courts did that. We came back.

The reason we did that, and I want the chairman of the subcommittee to listen to me, and others, is because we found that after the early 1900s, not 150 years back, just about 80 years back, we found all the money was going to be spent on attorneys in terms of subdividing these lands and the types of claims and processes that we have to go through. That is what the gentleman is funding here, they are funding that type of analysis.

I am sure there are inequities that have occurred, none that have successfully challenged the treaty. What the gentleman is setting in motion here is a situation where the attorneys and the various land management agencies are going to have to spend an extraordinary amount of money with regard to resolving this.

Instead of spending the money in terms of resolving the problem, if we discover there is a problem, it is going to be spending $1 million on this commission, and I would say an extraordinary amount of money just in establishing these, because the descendents from 150 years ago are going to be into the thousands today. They are going to be into the thousands of individuals that are going to be making claims in New Mexico and some of these other States. That is literally where we are spending the money.

As I said, there has never been a successful legal challenge for this, so what is the predicate for why we are doing this? There is none. There have been court cases after court cases that have tried to challenge this for the last 60 years and have not, but only the Congress can step in and screw things up this badly. That is why this bill ought to be defeated.

Mr. FALEOMAVAEGA. Mr. Chairman, the essence of my strongest reservation in opposition to this legislation is that given the fact that New Mexico is not the only State affected, and if we are going to set up a presidential commission for New Mexico, let us do it for other States that were part of Mexico when this treaty was signed in 1848.

The another concern I have is that the bill fails to specify which lands are eligible for consideration. There are no legal standards or rules of evidence by which the commission is to judge any claims presented. The members of the commission are not prohibited from accepting gifts, and the United States government could end up being involved in land claims between private parties.

While I am concerned also with any wrongs which may have been perpetuated by the United States government, these problems have been addressed many times in the past. I am not satisfied that this legislation could provide any new worthwhile information. At this time, Mr. Speaker, this bill would create expectations which I do not believe Congress has any intention of honestly considering.

Mr. VENTO. If the gentleman will yield further, I said there were a number of cases. Since 1948, more than 200 Federal, State, and district court cases occurred. There have been more than 200 Federal, State, and district court decisions that have interpreted the treaty. The U.S. Supreme Court has decided almost half of the major cases involving the treaty.

Several laws were enacted in the 19th century to address this, and of course we have talked about the treaty that was adopted some 57 years ago in the 1940s, so there have been 200.

I will place in the RECORD, Mr. Chairman, the letter from the State Department and this list of U.S. court cases interpreting the treaty. I would just point out, 200 court cases, and none of them have established this particular precedent that this Congress is apparently hellbent on establishing.

The material referred to is as follows:

U.S. DEPARTMENT OF STATE,
Washington, DC, May 4, 1998.

Hon. ENI F.H. FALEOMAVAEGA,
Subcommittee on National Parks and Public Lands, Committee on Resources, House of Representatives.

DEAR MR. FALEOMAVAEGA: I am writing in response to a letter of March 16, 1998 from Subcommittee Chairman James Hansen inviting a representative of the Department to testify at a hearing on H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act of 1997. We appreciate the Subcommittee's invitation and regret that Department officials were unable to attend the hearing. This letter provides the Department's views on H.R. 2538.

H.R. 2538 would create a Presidential commission to determine the validity of certain land claims of descendants of Mexican citizens. The claims in question assert that U.S. federal and/or state officials confiscated land from Mexican nationals or their descendants in violation of the 1848 Treaty of Guadalupe-Hidalgo.

The Department opposes H.R. 2538.

First, some or all of the claims at issue may already have been fully and finally settled as part of a 1941 Claims Settlement Agreement between the United States and Mexico. That agreement provides, with exceptions not relevant here, that

"The United States of America and the United Mexican States . . . reciprocally cancel, renounce, and hereby declare satisfied all claims, of whatever nature, of nationals of each country against the Government of the other, which arose prior to the date of the signing of this Convention, whether or not filed, formulated or presented, formally or informally, to either of the two Governments . . ."

This agreement discharged the United States of any liability it may have had with respect to any claims which arose prior to November 19, 1941 alleging infringement of the property of Mexican nationals referred to in the Treaty of Guadalupe-Hidalgo. To the extent that the claims at issue in H.R. 2538 were covered by the Claims Settlement Agreement, the United States has no further obligations to the claimants in question and further consideration of the claims by a commission is unnecessary.

Second, the age of the claims in question, some of which are as many as 150 years old, makes it unlikely that the amount and quality of available evidence will be sufficient to permit the commission rationally to determine the validity of individual claims. In particular, the bill does not specifically address legal standards or rules of evidence for the commission to apply to its decision making, rights to be afforded third parties whose property rights might be affected, or judicial review of the commission's decisions. Enactment, therefore, could exacerbate and renew land title disputes which have previously been adjudicated or which are barred by statutes of limitations. Such statutes of limitations are informed by important public policy concerns regarding finality and resource conservation.

Moreover, the Department is concerned that the creation of such a commission could result in a flood of requests from potential claimants seeking assistance in reconstructing claims over a century after they arose. The bill make no provision for the additional resources necessary to allow the Department of State and other affected agencies to meet the burden of responding to such inquiries.

In addition to the concerns stated above, federal land management agencies advise that H.R. 2538 could pose significant legal and practical problems, disrupt their land management activities, and profoundly affect public and private uses of federal lands, particularly environmentally sensitive and valuable resources. We defer to these agencies for their views on the bill.

I hope this information is of assistance to the Committee. Should you or other members of the Committee have questions about the Department's views on H.R. 2538, please feel free to contact us.

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

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

STATEMENT OF ADMINISTRATION POLICY

H.R. 2538—Guadalupe-Hidalgo Treaty Land Claims Act

(Rep. Redmond (R) NM and 79 others)

H.R. 2538 would create a commission to address the validity of claims asserted by the descendants of Mexican citizens to land in New Mexico based on 19th century Spanish and Mexican community land grants. The Administration is sympathetic to those individuals who believe their land claims have been inappropriately or unfairly handled. However, the Administration opposes the bill because its approach is flawed and unworkable.

In summary, this bill would renew land title disputes that already have been resolved by an international agreement or operation of law, in many cases over 50 years ago. It would create a process that provides no legal standards or rules of evidence, no means for final resolution of these reopened claims, and no judicial review. In addition, this bill could disrupt Federal land managers' abilities to carry out their duties, including protection of natural resources and of existing uses and rights on Federal land including grazing, hunting, fishing, and mineral and water rights. A fuller explanation of these issues is presented below.

Consideration of these claims would renew land title disputes that have already been fully and finally resolved either by the 1941 Claims Settlement Agreement between the United States and Mexico, or through adjudication. Any claims not previously adjudicated are barred by relevant statutes of limitations, which are based on fundamental policy concerns of fairness, finality, and resource conservation.

In addition, the bill envisions that public lands, would be removed from Federal ownership to satisfy these claims, thus disrupting Federal land management activities. These activities include the conservation and preservation of national forests, monuments, parks, wilderness areas, wild and scenic rivers, and cultural and prehistoric sites. Further, recreation, hunting, and fishing on Federal lands would be adversely affected, and valid existing rights to, or interests in, water, timber, grazing, and mineral on Federal lands may be disturbed.

Further, H.R. 2538 would institute a flawed process. Although it is claimed that H.R. 2538 is modeled on the Indian Claims Commission Act (ICCA), the ICCA provided for

monetary compensation, not the reconstitution of land grants. Moreover, the ICCA provided for judicial determination of claims, according to certain legal standards and subject to the appellate process. H.R. 2538 does not appear to provide any legal standards or rules of evidence and does not allow for judicial review of the commission's recommendations before they are submitted to Congress.

Finally, H.R. 2538 could have several other problematic results for both land claimants and private landowners. The existence of the Commission will raise unrealistic expectations that land claims now closed will be addressed. Furthermore, although private land cannot be transferred under H.R. 2538, the commission's recommendations pertaining to claims to private lands could cloud private land titles. Although H.R. 2538 would affect only lands in New Mexico, 19th century land claims in many other states were resolved in a manner similar to those in New Mexico. This bill's passage would logically prompt calls for the creation of similar commissions in other States with the attendant problems outlined above.

Pay-As-You-Go Scoring: H.R. 2538 would affect receipts; therefore, it is subject to the pay-as-you-go requirement of the Omnibus Budget Reconciliation Act of 1990. OMB's preliminary scoring estimate of this bill is zero. Final scoring of this legislation may deviate from these estimates. If H.R. 2538 were enacted, final OMB scoring estimates would be published within seven working days of enactment, as required by OBRA. The cumulative effects of all enacted legislation on direct spending and receipts will be reported to Congress at the end of the congressional session, as required by OBRA.

APPENDIX 3

U.S. COURT CASES INTERPRETING THE TREATY OF GUADALUPE HIDALGO

(This is a list of selected cases. It does not include all the court cases)

Amaya et al. v. *Stanoline Oil and Gas Co. et al.* 158 F.2d 554 (1947).

Anisa v. *New Mexico and Arizona Rail Road* 175 U.S. 76 (1899).

Apapos et al. v. *United States* 233 U.S. 587 (1914).

Application of Robert Galvan for Writ of Habeus Corpus 127 F. Supp. 392 (1954).

Asociación de Reclamantes v. *The United Mexican States* 735 F.2d 1517 (1984).

Astiazaran et al. v. *Santo Rita Land and Mining Co. et al.* 148 U.S. 80 (1984).

Baker et al. v. *Harvey* 181 U.S. 481 (1901).

Baldwin v. *Goldrank* 88 Tex. 249 (1896).

Basse v. *Brownsville* 154 U.S. 168 (1875).

Borax Consolidated Ltd. et al. v. *City of Los Angeles* 296 U.S. 10 (1935).

Botiller et al. v. *Dominguez* 130 U.S. 238 (1889).

California Power Works v. *Davis* 151 U.S. 389 (1894).

Carpentier v. *Montgomery et al.* 80 U.S. 360 (1891).

Cartwright v. *Public Service of New Mexico* 66 N.M. 64 (1858).

Cessna v. *United States et al.* 169 U.S. 165 (1898).

Chadwick v. *Campbell* 115 F.2d 401 (1940).

City and County of San Francisco v. *Scott* 111 U.S. 768 (1884).

City of Los Angeles v. *Venice Peninsula Properties et al.* 31 Cal. 3d 288 (1913).

City of San Diego v. *Cuyamaca Water Co.* 209 Cal. 105 (1930).

Grant v. *Jaramillo* 6 N.M. 313 (1892).

Horner v. *United States* 143 U.S. 570 (1892).

Interstate Land Co. v. *Maxwell Land Co.* 139 U.S. 569 (1891).

Lockhart v. *Johnson* 18 U.S. 481 (1901).

Lockhart v. *Wills et al.* 54 S.W. 336 (1898).

Lopez Tijerina v. *Henry* 48 F.R.D. 274 (1969).

Lopez Tijerina et al. v. *United States* 396 U.S. 990 (1969).

McKinney v. *Saviego* 59 U.S. 365 (1856).

Merrion v. *Jicarilla Apache Tribe* 617 F.2d 537 (1980).

Minturn v. *Brower et al.* 24 Cal. 644 (1864).

Northwestern Bands of Shoshone Indians v. *United States* 324 U.S. 335 (1945).

Palmer v. *United States* 65 U.S. 125 (1857).

Phillips et al. v. *Mound City* 124 U.S. 605 (1888).

Pitt River Tribe v. *United States* 485 F.2d 660 (1973).

Pueblo of Zia v. *United States et al.* 168 U.S. 198 (1897).

Reynolds v. *West* 1 Cal. 322 (1850).

State of Texas v. *Balli et al.* 144 Tex. 195 (1945).

State of Texas v. *Gallardo* 135 S.W. 644 (1911).

Summa Corporation v. *State of California* 80 L.Ed. 2d 237 (1984).

Tameling v. *United States Freehold Land and Emigration Co.* 2 Colo. 411 (1874).

Tee-Hit-Ton Indians v. *United States* 348 U.S. 272 (1955).

Tenorio v. *Tenorio* 44 N.M. 89 (1940).

Texas Mexican Railroad v. *Locke* 74 Tex. 340 (1889).

Townsend et al. v. *Greenley* 72 U.S. 326 (1866).

United States v. *Abeyta* 632 F.Supp. 1301 (1986).

United States v. *Aguisola* 68 U.S. 352 (1863).

United States ex rel. Chunie v. *Ringrose* 788 F.2d 638 (1986).

United States v. *Green et al.* 185 U.S. 256 256 (1901).

United States v. *Lucero* 1 N.M. 422 (1869).

United States v. *Moreno* 68 U.S. 400 (1863).

United States v. *Naglee* 1 Cal. 232 (1850).

United States v. *O'Donnell* 303 U.S. 501 (1938).

United States v. *Reading* 59 U.S. 1 (1855).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 175 U.S. 690 (1899).

United States v. *Rio Grande Dam and Irrigation Co. et al.* 184 U.S. 416 (1901).

United States v. *Sandoval et al.* 167 U.S. 278 (1897).

United States v. *Sandoval et al.* 231 U.S. 28 (1913).

United States v. *Santistevan* 1 N.M. 583 (1874).

United States v. *State of Louisiana et al.* 363 U.S. 1 (1960).

United States v. *Title Insurance and Trust Co. et al.* 265 U.S. 172 (1924).

United States v. *Utah* 238 U.S. 64 (1931).

Ward v. *Broadwell* 1 N.M. 75 (1854).

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Mr. HANSEN. Mr. Chairman, may I inquire how much time each side has?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 20 minutes remaining, and the gentleman from California (Mr. MILLER) has 4½ minutes remaining.

Mr. HANSEN. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. PAXON).

Mr. PAXON. Mr. Chairman, I rise in strong support of H.R. 2538, the Guadalupe-Hidalgo Treaty Land Claims Act. This legislation before us today is truly the culmination of the hard work and tenacious, never-say-die attitude of the gentleman from New Mexico (Mr. REDMOND), our good friend.

As a freshman Member of this body, I believe it is an unbelievable accomplishment that we are here debating this bill today after so many years of discussing this legislation. Having this before this body today I think is a real tribute to the gentleman's tireless efforts. It is also, I believe, a tribute to the leadership of the gentleman from Utah (Mr. HANSEN) and the Committee on Resources who has worked so hard moving this legislation forward.

Mr. Chairman, Congress is finally taking a step in the right direction to help the U.S. keep its word that resulted from the signed Treaty of Guadalupe-Hidalgo in 1848.

Let us be clear, this legislation will not settle any claims directly. Further action will be required for settlement. What this legislation does is do the right thing. It sets up a presidentially appointed commission to review claims. Numerous safeguards are provided in the legislation, such as the fact that claims must be filed within 5 years from date of enactment of the bill, and also by three or more descendants.

The establishment of this commission, the Guadalupe-Hidalgo Treaty Lands Claims Commission, is the right way to go in reviewing these claims of private property rights that were guaranteed by the treaty when it was signed well over 150 years ago.

Mr. Chairman, I want to make it very clear. This is a matter of civil rights. This is a matter of racial justice, and it is a matter of private property rights. I cannot think of one reason in the world why this legislation should not enjoy unanimous bipartisan support today as it moves forward to the President's desk for signature and moves this commission forward.

Mr. Chairman, I am pleased and proud to support the efforts of the gentleman from New Mexico (Mr. REDMOND) and the Committee on Resources.

Mr. MILLER of California. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, first of all, let me say that it was suggested here that the claims are in New Mexico. The claims are in New Mexico because of this legislation. The fact is, there are over 14 million acres of land in California that are subject to the same kind of contest. And my colleagues should not believe for a minute, if this commission starts going around and handing out valid land claims that are not paid by the people who theoretically stole the land, which are not paid by the local government to prove the stealing of the land, if that is the case, but are going to be paid by the Federal Government that uses the public lands of this country as a piggy bank for people who want to establish claims on these lands.

Do not think for a second that people are not going to ask that this be done in California, Arizona, Utah and elsewhere where millions of acres of lands and generations of historical ownership have been established.

To suggest that this has been ignored up to this very moment, it has not been ignored. The fact of the matter is that the Supreme Court has addressed it. The Congress has addressed it. These claims have been settled.

The suggestion is that also somehow this is about a lot of people who are Mexican, Mexican-American, Hispanics who have been thrown off of the land and this is a minority issue. Many of the people in these lands are Hispanic families that have been on these lands for many, many generations. That is true in the Central Valley of California and Southern California and elsewhere. But the notion that somehow we can come along and decide that we are going to reopen all of these claims and if this commission decides that it is going to be valid, that we are going to reach into the public land base of the United States of America, the public lands that belong to all the citizens of America, and the notion of justice is that they have to pay, even though they were not party to the injustice. That is not justice.

Justice is when people who are party to the injustice pay. But if the State of California created the injustice and the State of New Mexico created the injustice, and private landowners created the injustice by running people off of the land, why is that a Federal taxpayer problem? Why is the notion of justice over here the notion that we go into the Federal taxpayers' pocket and solve this problem? We just go into the national forests and the public lands and the BLM lands of this Nation and go in there to get justice. Why is that justice?

No, Mr. Chairman, claimants ought to go to the people who harmed them. Let the State of California or the State of New Mexico dig into their treasury and their land base to solve these claims that they created. Let the private landowners let their heirs solve these problems, if that is what they did.

Somehow now justice is being equated with the ability to get to the Federal land base or the Federal tax base. This commission, once they start handing out clouds on titles and making these determinations, when the Congress ever acts on them, there will be a host of people asking for commissions on California and the other western States that are affected by this and a whole host of attorneys that see it is pretty clear that it is no skin off of anybody's nose here because the way to settle this is to give the attorney 50 acres of public lands. Give them some forest lands. Make whatever settlement they want, because there are no rules of evidence here. No burden of proof. No established burden of proof.

That is why the administration has sent up its statement of administration policy today which is in strong opposition to this legislation.

Mr. HANSEN. Mr. Chairman, I yield 11 minutes to the gentleman from New Mexico (Mr. REDMOND), the sponsor of this bill.

Mr. REDMOND. Mr. Chairman, the Treaty of Guadalupe-Hidalgo begins with these words:

In the name of Almighty God, the United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two Republics, and to establish upon a solid basis relations of peace and friendship which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony and mutual confidence wherein the two peoples should live as good neighbors, there shall be firm and universal peace between the United States of America and the Mexican Republic, between their respective countries, territories, cities, towns, and people without exceptions of places or persons.

Mr. Chairman, those are the opening words to the Treaty of Guadalupe-Hidalgo, which is the treaty that settled the hostilities between the American Government in 1848 and the Government of Mexico. In America, as we study history, all too often we read history from East to West, as opposed to reading our history from West to East.

To my left here is a commemorative stamp that is now issued by the Post Office of the United States. Many people, when they see this stamp, they will be reminded that the first Europeans in North America, which is now a part of the United States of America, were not the British. They were not the Dutch. They were the Hispanics that first came with the Conquistadores and with the settlers.

This year in New Mexico we are celebrating what is called the ''Cuatro Centenario,'' the 400th anniversary of European settlement at a pueblo now called Santo Domingo, but it was once called Ohkay Owingeh, and the first seat of European government that is now in the United States is here in this Congressional district in the State of New Mexico on a land grant.

For 250 years, both the Spanish Government and the Mexican Government practiced what was the same practice as the Anglos had as they came across the frontier. We have President Martin Van Buren, President Andrew Jackson and many, many other presidents that granted homesteads or granted parcels of land for the purpose of settlement of the North American continent.

Nobody would think for one moment that anybody would dare introduce into this body a piece of legislation that would make it possible for the Federal Government to take away land that had been farmed by a family for more than 150, and in some cases 250 years, and claim it as eminent domain for the American people. This land was legally owned and we had agreed to in the Treaty of Guadalupe-Hidalgo that these people could keep their land.

When they settled the land, there were two kinds of land grants. One was individual land grants, which are not a part of this bill, which have been made reference to by the opposition, and then there were the community land grants. The community land grants of necessity required 10 families or more coming together to settle an area. If they stayed on the land, if they cleared the forest, if they built a home, if they built a barn, they built a corral, they could stay there and the land was theirs.

It is the same under Spanish law as what it was under American law, and that is the why the United States Senate, when they ratified this treaty, they were willing to honor the community land grants that had been so long a part of Spanish culture in New Mexico.

But very rapidly after the treaty was signed, there were people that came to New Mexico and, one by one, the community land grants were wrested from the people because they did not speak the language. And the community land grants were not only for Hispanic people, but they were the Pueblo land grants that the Pueblo people lost as well.

So when we read our history from West to East, we see the merging of three cultures in New Mexico: the Native American culture, the Hispanic culture, and the Anglo culture. And for 400 years, two cultures have lived in peace, and for 150 years, three cultures have lived in peace in spite of the fact that land was taken.

Now, in response to some of the questions that were raised, I appreciate the comments from the gentleman from Minnesota (Mr. VENTO), my good friend. He refers to a letter that came from the State Department that deals with a 57-year agreement between the Government of Mexico and the Government of the United States. I am very happy to say that I am glad that we are talking about who the parties are in this agreement. The parties that settled that particular agreement 57 years ago were the Government of the United States and the Government of Mexico.

The citizens of the United States who were the heirs of these land grants were never part of that discussion. That agreement dealt with something other than the community land grants. Many people might ask why are we interested in the heirs of the land grants? Article 8 is very, very clear. Article 8 says without a doubt that this treaty is not only for the original landowners, but it is also for their heirs.

Over to my left we have a copy of the final page of the treaty and the very first signature on this treaty is from Nicholas Trist. Nicholas Trist is the one who wrote the treaty. And then also we have those signing from the Government of Mexico. When the people in the area which was to become the Territory of New Mexico and, later, the State of New Mexico, they were there for many years and it was the agreement between those people and the American Government that the right to the land would not be violated.

In response to the question that the Treasury of the United States, or as my colleague from California said, ''Uncle Sucker'' would be doling out money, there is no money to be doled out. The people of New Mexico do not want favors. They want the land that was theirs to be returned.

The treaty is very specific because it says that they not only have the right to private property in the treaty, the

treaty also says that they have full rights as American citizens. That includes the Fifth Amendment right and that includes the 14th Amendment right.

So when individuals say this is not a civil rights issue, if we remember correctly, the first 10 amendments are the Bill of Rights. Those are the civil rights for all Americans.

□ 1230

So not only was the treaty violated, but also their 14th Amendment and their Fifth Amendment rights were violated.

To my left is a photograph, and these are the men and women and the children who are the heirs of what is known as the Chilili land grant in New Mexico. Much of their land was lost. They have only a very small portion of it remaining. Those are the people that my colleagues says are coming to ''Uncle Sucker'', these young boys, these young girls, this grandmother, this grandfather.

The treaty said that this was their land, but the government took their land away. If the land were held by the State of New Mexico, this debate would be held in the capital of Santa Fe; but because 95 percent of this land is now held by the Federal Government, this discussion must be held here.

Also, in response to one of the individuals from the opposition, the amendment that made this specific to New Mexico was offered and passed. It was offered by the gentleman from Minnesota (Mr. VENTO) in committee. He specifically asked that this be applied only to New Mexico, which was in concurrence with the desires of the people from the land grant.

This piece of legislation is important not only for the people of New Mexico but for the people across America. The gentleman is correct that this is not an issue unique only to New Mexico because if the Federal Government can come into my State of New Mexico and take away farms and ranches that had been a part of a family for 250 years, we can bet our bottom dollar that they can come into Illinois and Indiana and Missouri and Oklahoma and any other State where the farmers received a homestead grant from, not only the Spanish government, but also the American government.

I would like to thank my colleagues for their support, for the gentleman from Utah (Mr. HANSEN) and the gentleman from Alaska (Mr. YOUNG). I would like to thank Speaker NEWT GINGRICH who personally traveled to New Mexico to hear the pleas of the land grant heirs.

I would like to thank my staff Michael Quintana and Jennifer Hamann. But most of all, I would like to thank those members of the Land Grant Forum, State historian Robert Torres, Richard Nieto, Richard Ponse, Estephen Arellano for their tireless effort in working on this bill, former Lieutenant Governor Roberto Mondragon, and most of all the people of New Mexico who so long waited on justice.

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Utah (Mr. HANSEN) has 7 minutes remaining. The gentleman from California (Mr. MILLER) has 1½ minutes remaining.

Mr. HANSEN. Mr. Chairman, who has the right to close on general debate?

The CHAIRMAN pro tempore. The gentleman from Utah (Mr. HANSEN) has the right to close.

Mr. MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Minnesota (Mr. VENTO)

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding to me, and I thank the gentleman from New Mexico (Mr. REDMOND) for pointing out my efforts in committee to limiting this to New Mexico. Of course I do not favor it for New Mexico. I think it does have applications for the other States. In spite of the fact that we offered the amendment, we cannot prevent the standards and precedent. I think it would be a bigger problem if all of the eight States were involved as opposed to New Mexico with this five-member commission.

But I would point out also, he suggests what about the private individuals that, in good faith, bought the property in New Mexico or the Federal Government that has established a forest. I remember the controversy over the issue with regards to the Hopi-Navaho Conflict when, in fact, Secretary Lujan recommended a couple hundred thousand acres of forest be given to the Navaho in Arizona. That is the sort of issue that we are setting up here over the next 10 years.

Furthermore, if one has title to the property and one bought it in good faith, this legislation says that that property will go back to the individuals we recommended and that the Federal Government will do the compensation. That is dollars and cents.

So the suggestion that you can just simply avoid this by virtue of returning the land, that there is no money involved is, of course, not what the legislation proposes. It provides that the Federal Government will do the compensation.

Even though, as the gentleman from California pointed out, we may not have been the result of it, the good intentions of the treaty, the good intentions of the settlement act. What is to say that we are going to have perfect justice here, that no resolution or claim will go unresolved. This is an ongoing problem. We fight it in court, 200 cases, and we are establishing it again here.

Mr. HANSEN. Mr. Chairman, this is a very interesting debate we have had regarding this piece of legislation. I want to commend the gentleman from New Mexico (Mr. REDMOND) for coming up with something that probably should have been done for a long time.

It was interesting to hear the opponents of this bill talk about the various lawsuits that have come up. Of course they have come up. Why would they not come up. These people have been seeking redress and remedy for years and years and years. When one cannot get it through lawsuits and one cannot get it through other means, where do people normally come? They normally come to Congress to take care of it.

What do we do in an event like this? We just say, hey, let us ignore this. It happened in 1848. It did not turn out the way it was supposed to by the treaty and the provisions of the treaty that Mr. Redmond put in front of us at this time. It turned out a little differently. The Federal Government came in, and people came in and took that land.

There are a lot of treaties we have made. It is very interesting. Those of us who are interested in the west and come from the west like to read the treaties that happened with the Native Americans. For a while, that happened.

They had a group of smart attorneys who got together, and one lawsuit after another, it cost the American government big bucks. They were resolved. They are still doing that. They are still being litigated. Every year, we come up with something from the Bureau of Indian Affairs regarding these areas.

What do we want to do in this area, ignore it or to somewhat bring it to a conclusion? I am kind of shocked in a way that my good friends keep bringing up the idea that the money and land is going to change. It is not. It says this is a commission.

If you read the bill, the commission will give their recommendation to this body, to the United States Congress. Congress will determine what money is going to change hands. Congress will determine what to do with it. We are waiting for a recommendation from the commission. That is all this is.

It is a rather simple piece of legislation saying let us wait for the commission to do their work to go back and live up to something that this United States Government said they would do in 1848. They said, we will give it to these people who had a valid claim to that property from the King of Spain.

Can we negate that? Can we just throw it out, repudiate it because we feel that we are stronger and better than they are and we speak English and we have got more guns? I hope that is not the case. I hope somebody looks at it.

I think many of the arguments were very good brought up by our opponents. Those are the kinds of arguments that will come up when the commission brings it to us. This piece of legislation only does that.

I find it very interesting and love to hear my good friends from the other side talk about private property. That to me just made my whole day, probably my whole month, that I can go home and say people have been willing to walk right over private property regarding the Endangered Species Act, regarding the Wetlands Act, regarding the Wilderness Act, regarding the Wild

Horse and Burro Act, regarding the Scenic River Act, regarding the Mormon Trail Act are now sticking up for private property. This should be a red letter day to this Congress that we all feel so good to see that happen. I hope we keep that trend going.

Mr. Chairman, I am very grateful for my good friend the gentleman from New Mexico.

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

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

The amendment in the nature of a substitute printed in the bill, modified by striking the last two sentences of subsection (C) of section 6, shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered as 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 original question shall be a minimum of 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Guadalupe-Hidalgo Treaty Land Claims Act of 1998''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions and findings.
Sec. 3. Establishment and membership of Commission.
Sec. 4. Examination of land claims.
Sec. 5. Community Land Grant Study Center.
Sec. 6. Miscellaneous powers of Commission.
Sec. 7. Report.
Sec. 8. Termination.
Sec. 9. Authorization of appropriations.

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

Mr. HANSEN. Mr. Chairman, I ask for unanimous consent that the entire bill be printed in the RECORD and open to amendment at any point.

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

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute, as modified pursuant to House Resolution 522 is as follows:

SEC. 2. DEFINITIONS AND FINDINGS.

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

(1) COMMISSION.—The term ''Commission'' means the Guadalupe-Hidalgo Treaty Land Claims Commission established under section 3.

(2) TREATY OF GUADALUPE-HIDALGO.—The term ''Treaty of Guadalupe-Hidalgo'' means the Treaty of Peace, Friendship, Limits, and Settlement (Treaty of Guadalupe Hidalgo), between the United States and the Republic of Mexico, signed February 2, 1848 (TS 207; 9 Bevans 791).

(3) ELIGIBLE DESCENDANT.—The term ''eligible descendant'' means a descendant of a person who—

(A) was a Mexican citizen before the Treaty of Guadalupe-Hidalgo;

(B) was a member of a community land grant; and

(C) became a United States citizen within ten years after the effective date of the Treaty of Guadalupe-Hidalgo, May 30, 1848, pursuant to the terms of the Treaty.

(4) COMMUNITY LAND GRANT.—The term ''community land grant'' means a village, town, settlement, or pueblo consisting of land held in common (accompanied by lesser private allotments) by three or more families under a grant from the King of Spain (or his representative) before the effective date of the Treaty of Cordova, August 24, 1821, or from the authorities of the Republic of Mexico before May 30, 1848, in what became the State of New Mexico, regardless of the original character of the grant.

(5) RECONSTITUTED.—The term ''reconstituted'', with regard to a valid community land grant, means restoration to full status as a municipality with rights properly belonging to a municipality under State law and the right of local self-government.

(b) FINDINGS.—Congress finds the following:

(1) New Mexico has a unique history regarding the acquisition of ownership of land as a result of the substantial number of Spanish and Mexican land grants that were an integral part of the colonization and growth of New Mexico before the United States acquired the area in the Treaty of Guadalupe-Hidalgo.

(2) Various provisions of the Treaty of Guadalupe-Hidalgo have not yet been fully implemented in the spirit of Article VI, section 2, of the Constitution of the United States.

(3) Serious questions regarding the prior ownership of lands in the State of New Mexico, particularly certain public lands, still exist.

(4) Congressionally established land claim commissions have been used in the past to successfully examine disputed land possession questions.

SEC. 3. ESTABLISHMENT AND MEMBERSHIP OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the ''Guadalupe-Hidalgo Treaty Land Claims Commission''.

(b) NUMBER AND APPOINTMENT OF MEMBERS.—The Commission shall be composed of five members appointed by the President by and with the advice and consent of the Senate. At least two of the members of the Commission shall be selected from among persons who are eligible descendants.

(c) TERMS.—Each member shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(d) COMPENSATION.—Members shall each be entitled to receive the daily equivalent of level V of the Executive Schedule for each day (including travel time) during which they are engaged in the actual performance of duties vested in the Commission.

SEC. 4. EXAMINATION OF LAND CLAIMS.

(a) SUBMISSION OF LAND CLAIMS PETITIONS.—Any three (or more) eligible descendants who are also descendants of the same community land grant may file with the Commission a petition on behalf of themselves and all other descendants of that community land grant seeking a determination of the validity of the land claim that is the basis for the petition.

(b) DEADLINE FOR SUBMISSION.—To be considered by the Commission, a petition under subsection (a) must be received by the Commission not later than five years after the date of the enactment of this Act.

(c) ELEMENTS OF PETITION.—A petition under subsection (a) shall be made under oath and shall contain the following:

(1) The names and addresses of the eligible descendants who are petitioners.

(2) The fact that the land involved in the petition was a community land grant at the time of the effective date of the Guadalupe-Hidalgo Treaty.

(3) The extent of the community land grant, to the best of the knowledge of the petitioners, accompanied with a survey or, if a survey is not feasible to them, a sketch map thereof.

(4) The fact that the petitioners reside, or intend to settle upon, the community land grant.

(5) All facts known to petitioners concerning the community land grant, together with copies of all papers in regard thereto available to petitioners.

(d) PETITION HEARING.—At one or more designated locations in the State of New Mexico, the Commission shall hold a hearing upon each petition timely submitted under subsection (a), at which hearing all persons having an interest in the land involved in the petition shall have the right, upon notice, to appear as a party.

(e) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any petition submitted under subsection (a). The attendance of witnesses and the production of evidence may be required from any place within the United States at any designated place of hearing within the State of New Mexico.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is to be made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

(f) DECISION.—On the basis of the facts contained in a petition submitted under subsection (a), and the hearing held with regard to the petition, the Commission shall determine the validity of the community land grant described in the petition. The decision shall include a recommendation of the Commission regarding whether the community land grant should be reconstituted and its lands restored.

(g) PROTECTION OF NON-FEDERAL PROPERTY.—The decision of the Commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition. Any recommendation of the Commission under subsection (f) regarding whether a community land grant should be reconstituted and its lands restored may not address non-Federal lands. In the case of a valid petition covering lands held in non-Federal ownership, the Commission shall modify the recommendation under subsection (f) to recommend the substitution of comparable Federal lands in the State of New Mexico for the lands held in non-Federal ownership.

SEC. 5. COMMUNITY LAND GRANT STUDY CENTER.

To assist the Commission in the performance of its activities under section 4, the Commission shall establish a Community Land Grant Study Center at the Onate Center in Alcalde, New Mexico. The Commission shall be charged with

the responsibility of directing the research, study, and investigations necessary for the Commission to perform its duties under this Act.

SEC. 6. MISCELLANEOUS POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) GIFTS, BEQUESTS, AND DEVISES.—The Commission may accept, use, and dispose of gifts, bequests, or devises of services or property, both real and personal, for the purpose of aiding or facilitating the work of the Commission.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this Act.

(f) IMMUNITY.—The Commission is an agency of the United States for the purpose of part V of title 18, United States Code (relating to immunity of witnesses).

SEC. 7. REPORT.

As soon as practicable after reaching its last decision under section 4, the Commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the Commission regarding whether certain community land grants should be reconstituted, so that the Congress may act upon the recommendations.

SEC. 8. TERMINATION.

The Commission shall terminate on 180 days after submitting its final report under section 7.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $1,000,000 for each of the fiscal years 1999 through 2007 for the purpose of carrying out the activities of the Commission and to establish and operate the Community Land Grant Study Center under section 5.

The CHAIRMAN pro tempore. Are there any amendment?

Mr. TAYLOR of Mississippi. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in a situation where I will be voting against the bill that I have cosponsored. At this moment, I am not allowed to ask unanimous consent to have my name removed, but I do think it is important that I explain my actions.

When I was first asked to cosponsor this, it was to call for a commission. I now see this commission will cost the taxpayer $1 million for up to 7 years, which is up to $7 million.

When we look a little bit further into this, originally it was a few families that had been wronged, but as we heard in the debate, the entire States of California, Nevada, and Utah, were basically seized from the Government of Mexico, as well as portions of Arizona, Texas, and New Mexico, portions of Colorado and Wyoming. So we would be basically seeing a situation where just a few people would be compensated.

The second part that I think is important to state is, yes, we have to look at this historically. Yes, these people probably had claims given to them by the Government of Mexico, a government that, in effect, took the land from Spain. But who did the King of Spain take it from? He took it from the folks who lived there when the Conquistadors came over.

We are basically opening a can of worms and I do not think anyone has any idea where it ends. I think, at the end of 7 years, we will have spent $7 million of the American taxpayers' money and find ourselves in exactly the same situation we have right now.

If you want to go a little bit further, why do we not give Panama back to Colombia, because our Nation stole it fair and square from them in the first part of this century so we could build the Panama Canal.

Our Nation lately has been pretty good. As recently as Bosnia, we sent some troops over there, not to take their land, not to rape their people, not to take their wealth, but just to keep people from killing each other. It might be the most honorable thing this Nation has ever done.

But some years ago, when we had our manifest destiny and decided that we were going to have a Nation that ran from ocean to ocean, we did so, and we did not particularly care who got in our way. In this instance, the Mexican Government got in our way.

I do not think we serve the American people by going back and reopening this, causing no telling how many people in all of the States that I have mentioned to have the title to their property called into question in each of these States, including some huge States like California.

I think we are best letting the courts make these decisions and not a congressionally appointed commission at the cost of $1 million a year.

For those reasons, although I understand the gentleman is trying to redress what he perceives is a wrong, I think the greatest good is served by the defeat of this measure.

Mr. Chairman, I ask at this point that my name be removed.

Mr. REDMOND. Mr. Chairman, will the gentleman yield to me?

Mr. TAYLOR of Mississippi. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to respond to the idea that almost all of the Southwest is somehow under a community land grant. Just to put this into perspective, in the State of New Mexico—

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, the point that I made was that most of the Southwest was seized from Mexico and, as the gentleman pointed out, under duress. We were occupying their capital at the time.

We did it for what we thought was the best interest. Quite frankly, all of the people in all of those States are better off because we did it. But we seized the whole Southwest, not just this portion of the Southwest.

If we start looking back into each of these claims, I think we cause more harm than good. Again, we had make a gentleman's request to look into it. At the time, it seemed to make sense. But the more I have looked into the total repercussions of creating this commission at the cost of $7 million, I have decided to oppose it.

Mr. Chairman, I ask unanimous consent that my name be withdrawn as a cosponsor.

The CHAIRMAN pro tempore. While that permission is normally sought in the full House, the gentleman cannot have his name removed from a bill that has already been reported out of committee.

Mr. TAYLOR of Mississippi. Very good.

The CHAIRMAN pro tempore. Are there any amendments?

Mr. BECERRA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it is time that we finally have Congress addressing this issue involving the Treaty of Guadalupe-Hidalgo because, for more than 150 years, we have allowed an injustice to continue in this country. This country, while it has made mistakes, has always been strong enough to come up and stand up and say when it has been wrong; and that is one of the things that makes me very proud to be able to serve in this legislative body for this country.

It is time to address the injustice caused by the theft that occurred years ago of property held by thousands of people in the Southwest that was taken from them as a result of our government's representations to these people.

□ 1245

Good faith representations to these people, through a treaty that these people would have rights and they would be treated in ways that accorded to law. And those folks depended on that contract, that treaty that was signed with the U.S. Government, and they did so in good faith.

But I look at H.R. 2538, and I ask myself, is this the right vehicle to try to redress those injustices? And I look within H.R. 2538 for something that tells me there are teeth in this bill that will allow us to actually redress the wrongs committed against many people and their offspring, and I see no teeth. What I do find is a procedural nightmare. I find a system that allows a commission to be created.

And by the way, we often know what happens with commissions. We can talk about all the commissions we have now that have nothing but vacancies and are doing no work. And we have a commission, if it should happen to get impaneled, that has no teeth to do anything. It could recommend to Congress that certain people be compensated, that redress be provided, but there is nothing in the bill that would require

Congress to do anything with that commission report.

So what does that do? It leaves those who were affected and left without redress in a position of hope, and it leaves those, many of whom today are innocent purchasers and holders of property in these affected areas, with now clouded title over that property. Because, see, that property that they purchased, and I am talking about those who are innocent purchasers, those who purchased that property not knowing that there was any problem with how it was acquired by a predecessor owner, now will say I have a deed to this land but there is a commission that says I really do not have a right to it. So what the heck do I get to do with this land? Can I sell it? Who will want to purchase property that may be taken away by a commission?

But yet those who seek the redress, who had the property through their forefathers taken from them, have no way to get redress, anything back, whether it is the land or some compensation because Congress is not required to do anything in this bill. So we leave not only those who for generations faced an injustice in limbo, but we leave also innocent purchasers of property in these areas without redress. There is no requirement for Congress to act on any claim, and that is perhaps the most egregious portion of this bill.

And by the way, I think the gentleman from Utah sort of made that point for me earlier in his remarks because he made it clear we do not have to worry about taking land from private landholders because we do not have anything in this bill that would require that that happen. So it proves the point that this bill does not have the teeth we need to truly provide the redress we need. I am here to fight for that redress. I think people who had things stolen from them deserve to have compensation if our Federal Government signed a document saying I promise I will treat you according to the law and we did not fulfill that. But that is not what this bill says.

Moreover, I do not believe that the Federal taxpayer should have to carry the burden for what local elected officials and State elected officials did in years gone by. Those injustices by State and local officials should be redressed by States and local governments. And if they are not willing to, then let us have a bill that says they must. Let us not make the Federal taxpayer in New York, in Alabama, in Maine, in Wisconsin pay for the misdeeds of local elected officials in New Mexico, Arizona, Colorado or anywhere else.

Another point. This bill deals only with New Mexico. What about the folks in California, Utah, Colorado, Arizona, Oklahoma? They also need redress. They are not there. There are many ways to handle this. Senator BINGAMAN in the Senate has a bill. But this, I do not believe, is a real meaningful effort to do this, and I would ask my colleagues to vote against it.

Mr. REDMOND. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think that it is important that the bill be read in its entirety. I want to make one thing very, very clear; that this action was by the United States Government upon United States citizens who had formerly been citizens of the country of Mexico. This is not Nation to Nation. This is an act performed on the citizens of the United States who resided in the territory of New Mexico, performed on them by the Federal Government.

Secondly, this particular bill, in its original form, was written by former Congressman Bill Richardson. The bill was taken to the people of New Mexico, The Land Grant Forum, who have the entire history of the happenings in New Mexico. The people rewrote the bill themselves, with the understanding of settlement between the land grant heirs and the Federal Government. They took all the parties into consideration. This is a people's bill written by the people, though it was originally framed by the former congressman.

The other thing we need to point out very, very clearly is that it is the responsibility of the Federal Government, because at the time that this took place, New Mexico was a territory under Federal law, not local jurisdiction.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. REDMOND. I yield to the gentleman from California.

Mr. BECERRA. Mr. Chairman, I appreciate the effort of the gentleman, because I think there is a need, as I said before, to redress this issue for the people that were denied their rights and property, had those property rights stolen. But answer the question regarding the person who finds that a commission under this bill determines that property claimed by that individual is in fact property that fell under the land grants and, therefore, should revert back to the heirs of those owners of the land grant. What do we do if Congress takes no action on that claim, and what does that mean for the current holder of that property?

I do not want to affect the rights of current owners who innocently purchased at the same time I am trying to redress an injustice. I think we have to fight to redress that injustice, but let us not also embroil people who are innocent in this fight for justice, because then we do nothing more than cause a harm while we are trying to correct one.

Mr. REDMOND. Mr. Chairman, reclaiming my time, the people of New Mexico already thought about that before the gentleman thought about it, because they are very concerned about their neighbors. And if the gentleman will read the bill very carefully, the land that is now private land will be completely exempt from this.

So my colleagues need to remember that those who are current owners, that currently hold title, if they purchased that from the Federal Government, they are exempt. But if there is a claim on that land, the Federal Government will compensate the original heirs and the title will not be clouded.

Mr. BECERRA. If the gentleman will further yield on that point, my understanding is that they will be compensated by taking Federal land, which may be a way to resolve this, but my concern would then be what Federal land?

Mr. REDMOND. I am glad the gentleman raised the point. The first thing we need to understand is the context of the State of New Mexico. We can basically break New Mexico into three portions: One-third of the State is owned by the people, one-third of the State is owned by the State of New Mexico, and one-third of the State is owned by the Federal Government. The Federal Government owns 28 million acres of land in the State of New Mexico. If every single one of these was adjudicated in favor of the claimants, that would only total to somewhere between a million, to a million and a half acres, which would then leave the Federal Government with a total of 26½ million acres still in the State of New Mexico. So there is plenty of land there.

The thing we need to remember is that this was private land taken from American citizens who were of Mexican descent, Hispanic descent. They themselves were American citizens and their land was taken by the Federal Government.

Mr. BECERRA. If the gentleman will further yield, I appreciate that point, because he is right, the folks trying to make these claims are people who, in many cases, have not had access to our courts of justice nor our elected representatives. But my understanding is that it does not resolve the problem of now it appears that we are taking from Peter to give to Paul, and the last thing I want to do is start creating a difficulty with another American. We are all Americans, and I want these Americans to be redressed, but I do not want to do it at the expense of an innocent American.

The gentleman may say that the land that would be taken is Federal land, but I would like to know which Federal land? Is it land that is currently used by Americans?

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

Mr. VENTO. Mr. Chairman, I move to strike the last word.

And to continue the thoughts our colleague from California has raised, the point was, and of course we went right by that, that somehow the Congress is going to come back and give away one of the national forests, apparently, or some portion of it in New Mexico or one of the other areas. But the fact is that we may very well not do that. I think there would be quite a debate here. And the issue is that we have created a cloud over the title of a Private Property. We have created a

cloud over the title, and generally what happens when there is an imperfect title is the value of the land is depreciated. So the answer to the gentleman's question is quite clear.

Now, some concern was raised about my views on property rights and takings. I would just point out that I do believe, and have advocated, regulation of lands with regards to wetlands and with regards to the Endangered Species Act, and with regard to its impact in terms of zoning and some of the Federal Government's effort, the national government's effort to deal with that.

The real issue here has been the debate over what constitutes an actual taking and the suggestion that they could not find redress in the courts with regards to takings. And that has been the case most often and there has been efforts in this Congress to change the definition of takings and define zoning as takings. But what we have here, of course, is a pretty well-established precedent in terms of how to cloud up a title. That is exactly what is going to happen here until this is resolved.

The fact of the matter is, and I misspoke, because they changed the amount of money in this bill, it is actually a bill that will be 10 years for this commission, with a million dollars a year rather than $1.5 or $10 million, so I wanted to clarify that for the record for this five-member commission. But in fact what we are creating here is, literally, whether we translate it into property that is transferred or land that is transferred, we are really setting up hundreds of millions of dollars of value of various claims that are going to be made. That is what this sets in motion, this commission will set in motion. In New Mexico I think it will amount to that type of dollar figure.

Now, we can transfer lands and suggest that has no value because it is national lands or State lands. But all of these property rights are related to what happened in the States, whether or not they be territories at the time. It is not necessarily the territorial authority that made these decisions. It could and most often was private interests. I know in the case, for instance, of the Native American lands, that very often Native Americans lost their lands. They did not understand the language; did not understand how to read or write. They lost their lands on an unfair basis.

My concern here is not with addressing it, it is that the system that is set up, the template in this bill, is deeply flawed. It is seriously flawed in terms of what is going to be produced. I would try to limit damage control by limiting it to New Mexico, but I can assure all of my colleagues who represent the other seven States are going to have the same problem. So if we want to base this on a flawed foundation, we can proceed.

Mr. BECERRA. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from California.

Mr. BECERRA. I thank the gentleman for yielding to me. I am trying to make sure I have read this bill correctly, and I am reading now on page 11 under section 7, which deals with the report that is to be submitted to the Congress and to the President.

It reads, ''As soon as practicable, after reaching its last decision under section 4, the commission shall submit to the President and the Congress a report containing each decision, including the recommendation of the commission regarding whether certain community land grants should be reconstituted so that the Congress may act upon the recommendations.''

My concern again is this is all ''may'', ''might''. It is not a ''shall''. We know in this body if we want to do something we have to say ''you shall do it''. That commands. ''You must do it''. ''May'' says you decide what you want to do. There are a lot of things in law that say ''may'' that we never work on.

So to lead people to believe in New Mexico or any other State that this bill will give them redress is, I think, raising hopes to a higher expectation. And it is unfortunate because they will find themselves falling flat on the ground, and it will all be done while we are clouding the opportunity of those innocent purchasers of property to know whether or not they really can hold on to their land or even sell it in the future.

I think that is the worst mistake, to embroil innocent folks in a fight that involves the government, which did wrong, with the successors of those who were wrong. That we need to change. And I wish this were a bill that really did have the teeth, because I would love to be able to support something so we could finally close this ugly chapter in American history where we caused pain and we stole from people at the expense of our reputation as a government.

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Mr. VENTO. Mr. Chairman, I mean, legally I think there is no substance and basis, and morally I think we do have a responsibility. But this is an open invitation, and if something is presented to Congress that is going to cost hundreds of millions of dollars transferring vast areas of land in New Mexico to compensate, it is going to hit this Congress and it is going to go nowhere.

We ought to be facing up to that at this time, at least anticipating. And I think that is the job of the Committee on Resources and the other committees of this Congress, not something to be sent to a commission.

Mr. HANSEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the gentleman from California talks about the idea of it not having any teeth in it. Well, when this thing came about, what procedure do we follow on something that happened in 1848? We are somehow establishing a procedure. If it was that way, we would not get any votes on this thing.

This is a procedure so we can come to the final position of having some teeth in it. And I agree with him. But at this point no one could figure out the hoops we go through, the paths we go down, the road map that is laid out because there are no road maps to go down. No one has given us one.

So I commend the gentleman from New Mexico (Mr. REDMOND) for giving us a road map to resolve this particular question.

Mr. REDMOND. Mr. Chairman, will the gentleman yield?

Mr. HANSEN. I yield to the gentleman from New Mexico.

Mr. REDMOND. Mr. Chairman, I would like to point out in the bill, in section 4, part (g) concerning protection of non-Federal property. ''The decision of the commission regarding the validity of a petition submitted under subsection (a) shall not affect the ownership, title, or rights of owners of any non-Federal lands covered by the petition.''

And then in response to the idea that it does not have any teeth, the opposition cannot have it both ways. We have one view that we are raiding the Treasury for billions of dollars from one member of the opposition, and then another member of the opposition says that it is a pussy cat and it has absolutely no teeth at all. We cannot have it both ways. It either has teeth or it does not have teeth.

The CHAIRMAN pro tempore (Mr. SUNUNU). Are there any amendments?

If not, the question is on the committee amendment in the nature of a substitute, as modified.

The committee amendment in the nature of a substitute, as modified, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLUNT) having assumed the chair, Mr. SUNUNU, 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. 2538) to establish a Presidential commission to determine the validity of certain land claims arising out of the Treaty of Guadalupe-Hidalgo of 1848 involving the descendants of persons who were Mexican citizens at the time of the treaty, pursuant to House Resolution 522, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

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

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

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

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

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

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

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 223, nays 187, not voting 25, as follows:

[Roll No. 421]

YEAS—223

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (IL)
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Forbes
Fossella
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
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
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Quinn
Radanovich
Rangel
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Ryun
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Serrano
Sessions
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Torres
Traficant
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Yates
Young (FL)

NAYS—187

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barr
Barrett (WI)
Becerra
Bentsen
Berman
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Doggett
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Goode
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Largent
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
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Royce
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scott
Shadegg
Sherman
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Turner
Upton
Velazquez
Vento
Watt (NC)
Waxman
Wexler
Weygand
Woolsey
Wynn

NOT VOTING—25

Barcia
Berry
Brown (CA)
Cannon
Dingell
Dooley
Furse
Gephardt
Gonzalez
Hefner
Kasich
Kennedy (MA)
Kennelly
LaHood
McDade
Moakley
Poshard
Pryce (OH)
Rush
Schumer
Sisisky
Tauzin
Towns
Wise
Young (AK)

☐ 1323

The Clerk announced the following pair:

On this vote:

Mr. Young of Alaska for, with Mr. Berry against.

Ms. WOOLSEY, Ms. DELAURO, Ms. CARSON, Mr. MINGE, Ms. RIVERS, Ms. VELÁZQUEZ and Mr. OBERSTAR changed their vote from ''yea'' to ''nay.''

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2538, the bill just passed.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 3892, ENGLISH LANGUAGE FLUENCY ACT

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 516 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 516

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. 3892) to amend the Elementary and Secondary Education Act of 1965 to establish a program to help children and youth learn English, and for other purposes. The first reading of the bill shall be dispensed with. 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 Education and the Workforce. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed three hours and, thereafter, as provided in section 2 of this resolution. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee. That amendment shall be considered as read, be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. If that amendment is adopted, the provisions of the amendment in the nature of a substitute as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. After disposition of the amendment numbered 1, it shall be in order to consider the amendment printed in the Congressional Record and numbered 2 pursuant to clause 6 of rule XXIII, if offered by Representative Riggs of California or his designee, which shall be considered as read. That amendment and all amendments thereto shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent. During consideration of the bill