OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2015.

Hon. PAUL D. RYAN,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2015 at 1:58 p.m.:

That the Senate concur in the House amendment to the bill S. 1356.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 10, 2015.

Hon. PAUL D. RYAN,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 10, 2015 at 5:16 p.m.:

That the Senate disagree to House amendment to Senate amendment to text of the bill H.R. 22.

Senate agree to conference asked by the House, Senate appointed conferees.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 12, 2015.

Hon. PAUL D. RYAN,
The Speaker, U.S. Capitol,
House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 12, 2015 at 3:25 p.m.:

That the Senate passed S. 1203.

That the Senate passed with an amendment H. Con. Res. 90.

That the Senate passed with an amendment. H.R. 2029.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, November 16, 2015.

Hon. PAUL D. RYAN,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on November 16, 2015 at 10:21 a.m.:

That the Senate passed S. 2280.

That the Senate passed with an amendment H.R. 2262.

With best wishes, I am

Sincerely,

KAREN L. HAAS.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 3 p.m. today.

Accordingly (at 2 o'clock and 15 minutes p.m.), the House stood in recess.

□ 1500

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. COLLINS of New York) at 3 p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

KEEP THE PROMISE ACT OF 2015

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 308) to prohibit gaming activities on certain Indian lands in Arizona until the expiration of certain gaming compacts.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 308

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Keep the Promise Act of 2015''.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) In 2002, the voters in the State of Arizona approved Proposition 202, the Indian Gaming Preservation and Self-Reliance Act.

(2) To obtain the support of Arizona voters to approve Proposition 202, the Indian tribes within Arizona agreed to limit the number of casinos within the State and in particular within the Phoenix metropolitan area.

(3) This Act preserves the agreement made between the tribes and the Arizona voters until the expiration of the gaming compacts authorized by Proposition 202.

SEC. 3. DEFINITIONS.

For the purposes of this Act—

(1) the terms ''Indian tribe'', ''class II gaming'', and ''class III gaming'' have the meanings given those terms in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703); and

(2) the term ''Phoenix metropolitan area'' means land within Maricopa County and Pinal County, Arizona, that is north of latitude 33 degrees, 5 minutes, 13 seconds north, east of longitude 113 degrees, 20 minutes, 0 seconds west, and west of longitude 110 degrees, 50 minutes, 45 seconds west, using the NED 1983 State Plane Arizona FOPS 0202 coordinate system.

SEC. 4. GAMING CLARIFICATION.

(a) PROHIBITION.—Class II gaming and class III gaming are prohibited on land within the Phoenix metropolitan area acquired by the Secretary of the Interior in trust for the benefit of an Indian tribe after April 9, 2013.

(b) EXPIRATION.—The prohibition in subsection (a) shall expire on January 1, 2027.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Arizona (Mr. GRIJALVA) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 308, the Keep the Promise Act, introduced by a bipartisan group of Members from the Arizona delegation, would preserve an Arizona voter-approved gaming compact by prohibiting any Indian casino on land acquired in trust after April 9, 2013, in the Phoenix metropolitan area. This prohibition would expire on January 1, 2027, when the current gaming compact negotiated with the Arizona Governor expires.

This bill helps to resolve public promises that were supposedly made in good faith to the voters in Arizona. In 2002, the voters supported the passage of Proposition 202, which limited the number of tribally owned casinos in the State, and it granted tribes exclusive rights to operate casinos in Arizona.

During the Proposition 202 campaign, a public promise was made by a coalition of 17 Arizona tribes, including the Tohono O'odham Nation, to limit casino gaming in the Phoenix metropolitan area.

Unfortunately, one tribe is on the verge of breaking that commitment and more than a majority of the tribes in the State are upset.

The immediate effect of the bill is to block the TO Nation from opening an off-operation casino in the Phoenix area. As I mentioned, the bill has bipartisan support, including a majority

of the House delegation, the Governor of Arizona, and six of the tribes that took part in the Proposition 202 agreement.

It is important to point out that it is not just Arizona tribes who support this bill. Tribes from other States are very concerned about what is happening in Arizona. They believe a dangerous precedent could be set if this legislation is not signed into law, leading to the expansion of off-reservation casinos.

Today's deliberations are not about stopping one casino or gaming as a whole. The Keep the Promise Act is about protecting the integrity of the State's gaming compact, the future of gaming in Arizona, and, ultimately, the future of Indian gaming in this country.

I would like to thank the gentleman, the cosponsor of this legislation, for his leadership on this bill and on this issue.

I urge my colleagues to pass this bill.

I reserve the balance of my time.

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

Today, as all of us extend our condolences of support to the people of France, to the loss of life, to the friends and loved ones and families of those murdered by terrorism, we ask Congress that the administration have the resolve to defeat and deal with the horror that this terrorism has created not only in France, but in other parts of the world, and our condolences and prayers in support of the victims.

Today is also a day on which we are debating a profit-driven monopoly-seeking piece of legislation under suspension, H.R. 308, that seeks to make null and void established law, 18 court and administrative decisions, and in a very real way expose the American taxpayers to at least $1 billion in liability.

That CBO score has been again validated and affirmed in the same analysis that was done for S. 152, the companion legislation in the Senate. This liability is for an economic taking of the Tohono O'odham Nation.

Why is this special interest earmark that we are talking about today for established human interest in the East Valley of Maricopa County in Arizona with us today on suspension? Because it is simply a piece of legislation to eliminate competition, to control the gaming market in the metro Phoenix area. The adages about let the market decide and let the consumers have choice does not apply to this piece of legislation.

Again, why is H.R. 308 under suspension when very dangerous precedence can be set by H.R. 308 if it were to become law? It eliminates existing law that was passed in 1986. It overturns 18 judicial State and Federal Court decisions and administrative decisions.

It opens up a $1 billion taxpayer liability and creates a new category of selective sovereignty in terms of land taken into trust as a result of 1986 legislation. It nullifies the tribe's ability to yield the highest economic development from it.

It is essentially creating a Federal law that established a no-competition zone in that part of Maricopa County in the Phoenix metro area. So why not regular order, where amendments can be discussed and we can have a full debate?

Today, Monday, under suspension leads one to the belief that there is a deadline involved here, that Congress must pass H.R. 308, and the President must sign H.R. 308 by December 20, when the Tohono O'odham Casino in the West Valley is scheduled to open.

Hypothetically, it passes the House. Then it quickly passes the Senate. Then it goes to the President, is vetoed, as has been indicated by the administration. It comes back. The House overrides that veto, and the casino can't open.

This scenario places H.R. 308 in national significance, above things like security and terrorism, tax extenders that need to come before this Congress, transportation—do we extend for additional time until the conference can come up with one package?—general government funding and appropriations, Elementary and Secondary Education Act, Land and Water Conservation Fund, and the TPP, the trade agreement.

If H.R. 308 is of this vital national importance that it overrides other issues, why suspension and why not have a real debate on the issue?

In terms of Indian Country priorities, where is the legislation of the Carcieri fix? Where is the legislation and funding appropriate for the Indian Health Service? Where are the tribal recognition reforms, as recommended by the administration? Where is the funding for BIA schools? Where is legislation to protect sacred sites? Where is government-to-government codification for consultation? Why not deal with these issues? Perhaps the lobbying influence and resources are not present to move these items so quickly to suspension.

But H.R. 308, a special interest piece of legislation to protect game and market share in Maricopa County, Arizona, has this Congress' total attention. It makes one wonder why, but I think we really know why.

With that, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, I thank Chairman YOUNG and also thank Chairman BISHOP and the leadership of this House for bringing this bill to the floor today. I also want to thank the bipartisan group of cosponsors for their support. I especially want to thank the Members of the Arizona delegation who have been in support of this bill.

Mr. Speaker, I include in the RECORD a budgetary impact by Michael Solon, the former senior adviser to the senior leadership; a report from the Council for Citizens Against Government Waste; and a letter from the mayors of Arizona regarding this legislation.

FORMER SENIOR ADVISOR TO SENATE LEADERSHIP PROVIDES BUDGET ANALYSIS OF H.R. 308

SAYS ''NO BUDGETARY IMPACT''

The former budget advisor to Senator Mitch McConnell and Trent Lott, Michael Solon of U.S. Policy Strategies, has analyzed Congressional Budget Office's (CBO) most recent score of H.R. 308, the Keep the Promise Act and its companion bill in the Senate, S. 152.

In the analysis, Mr. Solon finds that the ''the facts strongly support CBO's past repeated positions that the Keep the Promise Act will have no budgetary impact, and will not increase spending or the deficit.''

CBO recently expressed uncertainty on the budget score of H.R. 308, stating that they had ''no basis for estimating'' any potential cost from any future litigation. Yet, Mr. Solon notes that previous CBO analyses of virtually identical legislation found no significant impact on the federal budget: ''As recently as September 2013, the Congressional Budget Office (CBO) found that the Keep the Promise Act upholding the Arizona Tribal-State Gaming Compact 'would have no significant impact on the federal budget' and 'would not affect direct spending or revenues.'

That analysis mirrors the January, 2012 CBO report using the identical term of ''no significant impact on the federal budget'' in its assessment.''

Additionally, Mr. Solon indicates that the specific facts of the case make a significant monetary judgment extremely unlikely: ''A full analysis of the legal and factual background strongly supports CBO's original conclusion of no budget impact. Under current law, there are tremendous hurdles that the tribe would have to overcome in order to expand gambling operations beyond the limits jointly established by the state government, all the Tribes, and voters through compacts, state laws and referendum. Even if one assumed they would be successful absent the Keep the Promise Act, the chances of obtaining a significant monetary judgment against the government is extremely low, in particular because other economic uses of the property would not be barred.''

Mr. Solon concludes: ''While CBO is right to inform policymakers of information that introduces uncertainty in its cost estimates, in this particular case the facts strongly support the repeated previous positions of the CBO that the Keep the Promise Act will have no budgetary impact, and will not increase spending or the deficit.''

CBO's recent analysis of the Senate version of the Keep the Promise Act adds that it ''would not increase direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2026.''

Michael Solon is a partner at U.S. policy strategies. He spent two decades on Capitol Hill. In addition to Senators McConnell and Lott, he also worked for Senator Phil Gramm, and Congressman Dick Armey.

A copy of the report is available upon request.

COUNCIL FOR CITIZENS AGAINST GOVERNMENT WASTE,
Washington, DC, November 16, 2015.

Hon. THOMAS E. PRICE, M.D.,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN, Today, the House of Representatives will consider H.R. 308, the Keep the Promise Act of 2015, introduced by Rep. Trent Franks (R–Ariz.) on January 13, 2015.

The Council for Citizens Against Government Waste (CCAGW) is aware of the legislative history of this bill, to include similar bills from previous Congresses: H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act (2011), and H.R. 1410, the Keep the Promise Act of 2013. For each of the previous bills, which are virtually identical to H.R. 308, the Congressional Budget Office (CBO) determined that those bills ''would have no significant impact on the federal budget'' and that they ''would not affect direct spending or revenues.''

However, CBO has failed to provide a definitive score for H.R. 308, due to a virtually unprecedented factor: the risk of potential litigation. Of particular concern, CCAGW understands that CBO may have been pressured by opponents of the legislation to inject uncertainty into the final score. Regardless of the merits of the underlying legislation, CCAGW finds these circumstances to be troublesome. Furthermore, CCAGW understands that, when asked to use litigation risk as a scoring factor for other legislation, CBO indicated that such an approach was inconsistent with their established procedures.

Therefore, without reference to the merits of the underlying legislation, CCAGW believes that, in the absence of a definitive score for this bill and given the precedent of two previous estimates that indicated ''no significant impact'' of virtually identical legislation, thus rendering CBO's latest scoring statement an outlier, passage of H.R. 308 should not reasonably be considered to increase spending.

Sincerely,

THOMAS SCHATZ.

NOVEMBER 12, 2015.

Hon. PAUL RYAN,
Office of the Speaker of the House,
Washington, DC.
Hon. NANCY PELOSI,
Office of the Democratic Leader,
Washington, DC.

DEAR SPEAKER RYAN AND LEADER PELOSI: As the elected leaders of towns and cities in the State of Arizona, we are writing to you to convey our support for H.R. 308, the Keep the Promise Act of 2015, and urge you to pass this bill as soon as possible.

In 2002, the people of Arizona voted to approve a tribal-state compact, which, among other things, prohibited additional casinos from being built in the Phoenix area through 2027. In exchange for this prohibition, tribes were granted the exclusive authority to conduct gaming within the state. H.R. 308 simply preserves and codifies the will of the Arizona people.

For us, this issue is about more than public policy. It is about preserving the integrity of our communities by keeping casinos from opening across the street from our schools, churches, and homes. It's also about maintaining the trust and integrity that was forged over a decade ago between tribes and our governments.

In 2002, a representative for a coalition of 17 Arizona tribes testified to the State Senate that the tribal-state gaming compact would not permit the construction of additional casinos in the Phoenix area beyond the number that existed at the time.

This promise—that there would be ''no additional casinos in the Phoenix metropolitan area''—had the full and complete backing of the Tohono O'odham Nation and other tribes and was widely publicized to Arizona voters who were asked to approve the compact in a state-wide referendum. Now, the Tohono O'odham Nation is building a new casino near Phoenix, in direct opposition to the promises it made, and which voters relied on when they went to the polls.

The Tohono O'odham Nation has purchased land across the street from a high school and is building a Las Vegas style casino 100 miles from its primary reservation. This is not what the Arizona voters and other tribes intended when they approved the State-tribal gaming compacts. And, more importantly, it is contrary to the statements that Tohono O'odham made to persuade the voters of Arizona to support tribal exclusivity for gaming in Arizona.

That's why this legislation has the support of the Governor, the State Legislature, numerous tribal governments, and almost the entire Arizona congressional delegation. Congress is the only entity that can address this issue. We ask that you move quickly to enact this legislation.

Sincerely,

LINDA KAVANAGH,
Mayor, Fountain Hills, Arizona.
JOHN W. LEWIS,
Mayor, Town of Gilbert.
GAIL BARNEY,
Mayor, Town of Queen Creek.
JOHN S. INSALACO,
Mayor, City of Apache Junction.
TOM SCHOAF,
Mayor, City of Litchfield Park.
MARK W. MITCHELL,
Mayor, City of Tempe.
JOHN GILES,
Mayor, Town of Mesa.
W.J. ''JIM'' LANE,
Mayor, City of Scottsdale.
JAY TIBSHRAENY,
Mayor, City of Chandler.

Mr. FRANKS of Arizona. Mr. Speaker, H.R. 308, the Keep the Promise Act, seeks to prevent Las Vegas-style gaming in the Phoenix metropolitan area until the gaming compact, to which the Arizona tribes agreed and the Arizona voters approved, expires in 2027.

One Tucson area tribe is trying to build a major casino on lands that were deceptively purchased in the Phoenix metropolitan area at the very time that they were in negotiations with other tribes in the State to craft this gaming compact duly passed by the voters.

These actions are contrary to the public commitments that this particular tribe made between 2000 and 2002 to the other 16 Indian tribes in the State of Arizona and also to the State voters of Arizona.

This legislation was then publicly supported by the passage of Proposition 202, this compact, a State referendum to limit casino gaming in the Phoenix metropolitan area. All parties knew what we were agreeing to, Mr. Speaker.

Mr. Speaker, the bipartisan cosponsors of H.R. 308 are simply trying to hold all the parties to their publicly stated commitment to the people of Arizona not to engage in gaming in the Phoenix metropolitan area.

Contrary to the opposition's position, Congress does have a role in supervising tribal gaming. Congress has a long-established history of regulating, managing, and working with the tribes relative to tribal trust land.

Most astonishing, Mr. Speaker, is the opposition's argument that the courts have ''upheld'' the tribe's right to operate a casino on that parcel of land. Indeed, the court raised serious questions about the tribe's misconduct, but dismissed the litigation under the doctrine of sovereign immunity. This is not a ruling on the merits in favor or against any side, Mr. Speaker. It simply means the court could not or would not issue a ruling.

This bill passed the House twice before and it had a zero CBO score. In CBO's analysis of this exact bill last Congress, they acknowledged the uncertainty of future legal challenges, but did not score those. This is the standard practice. Today any ruling by them to the contrary is a precedent and sets the CBO up for being politically impacted in the future, politically driven in the future.

Astonishingly, the CBO recently scored an addition to the exact same bill this Congress of zero dollars to $1 billion. Let me say that again, Mr. Speaker. The CBO added a score now to this same bill from zero last time to now zero to $1 billion.

Now, of course, they were lobbied to do that in an unprecedented way while admitting it had no basis to issue any conjecture about a possible lawsuit resulting from the passage of this bill.

CBO admits it had no basis to score litigation. The CBO has never scored potential litigation on other bills. This score should be ignored as useless and harmful if allowed as a precedent, Mr. Speaker.

This bill does not impact any tribe's ability to have any lands taken into trust, nor does it impact any water or land claims. Consistent with the intent of the Indian Gaming Regulatory Act and Proposition 202, this bill merely restricts the ability of tribes to game on the very lands on which they themselves agreed they would not game.

With that, Mr. Speaker, I respectfully ask that my colleagues join with me today and the Members of Arizona's delegation supporting this bill.

Mr. GRIJALVA. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. GALLEGO).

Mr. GALLEGO. Mr. Speaker, I rise today to stand with thousands of community voices and jobs in opposition to H.R. 308.

This legislation not only shortchanges our commitments to our tribal brothers and sisters, but it will do so at exorbitant costs to taxpayers according to the Congressional Budget Office.

Construction of the West Valley project has been an immense and welcome addition to communities across Phoenix and beyond. Once fully completed, the project will employ 3,000 people and support their families, jobs we need in our community as we continue to reel as one of the hardest hit areas in the Nation from the Great Recession.

Millions of dollars have flowed into the region. More than 45 companies

have been retained for the construction of this project both within Arizona and nationally. 1,300 construction workers are currently under contract, and those 1,300 jobs are just the beginning.

□ 1515

If you want proof, look no further than the job fair the tribe recently held on September 28. It drew over 3,000 applicants from the community, 400 of whom were hired on the spot. That number will rise to 500 employees when phase one of the project opens in December, and it will eventually climb to 3,000 full-time employees when the project is completed and staffed. These are new, permanent, good-paying jobs that are badly needed in the West Valley. This bill will unnecessarily put these hardworking men and women out of work while costing American taxpayers as much as $1 billion.

Mr. Speaker, our community supports these jobs and this project. We cannot afford to play politics when it comes to the bottom lines of our families and of our local economies.

I urge my colleagues to stand up for local jobs and join me in opposing this job-killing legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. GOSAR), one who has been involved in this issue for many, many years.

Mr. GOSAR. I thank the chairman.

Mr. Speaker, for several years, I have been actively involved in a troubling, off-reservation gaming issue in my home State of Arizona regarding the Tohono O'odham Nation. TO has been attempting to open a Las Vegas-style casino—more than 60 miles from its ancestral lands and reservation in Tucson and in another tribe's former reservation in the Phoenix metropolitan area—for the sole purpose of gaming.

This comes after TO and 16 other Arizona tribes adopted a compact, approved by Arizona voters, which expressly promised there would be no additional casinos or gaming in the Phoenix metropolitan area until 2027. TO alone spent $1.8 million in urging Arizona voters to rely on this limitation. In exchange for this promise, the voters granted the tribes a statewide monopoly on gaming, and other tribes gave up significant rights.

Shockingly, a few months after Arizona voters approved Proposition 202, TO finalized a multiyear effort to violate this compact and used a shell organization to purchase land in Glendale for a casino. TO's dismissal of their promise to build no additional casinos in Phoenix is not something that Congress can ignore when the result will be so harmful to what has been a national model.

Mr. Speaker, I would like to call attention to critical evidence obtained from the litigation discovery in the State of Arizona v. Tohono O'odham Nation. Here are a few of the important quotations from tribal council meeting transcripts and minutes that were included in the underlying discovery:

5–18–01: VDI, a TO chartered and owned corporation, included in their meeting notes a description of a presentation delivered by Mark Curry, TO's lead negotiator in the gaming compact negotiations. The notes reflect ''107th Avenue-Stadium,'' ''gaming compact—unsure what will happen,'' ''put in a shell company—need to keep it quiet, especially when negotiations of compact are at stake.''

6–26–01: VDI meeting with TO's San Lucy District Council. ''We are also looking at another project . . . based on discussions we had and continue to have about a casino on the west end of Phoenix, and part of that discussion that we've had was that—we didn't want to publicize that because of the confidentiality in terms of that issue . . . and that's how we're holding it—as confidential—because we don't want, you know, people to know we are seriously considering this, because, if you do, I'm sure that there's going to be a lot of resistance from, you know, the general public.''

8–22–02: VDI meeting transcript discussing the West Phoenix casino project and whether Governor Hull's successor would also oppose additional Phoenix area casinos. The meeting transcript states:

''Max: Because, if that's going to be the position of the State, that they don't want any more casinos around the Phoenix area, then they're going to fight it, whoever the new Governor is, if he's going to go along—he or she go along with Jane Hull regarding taking a position.

''Jim: Which is why we really want to wait until the initiative passes before it gets out.''

2–23–03: VDI meeting transcript discussing potential political problems with the proposal:

''Male voice: I just hope that . . . in terms of the political—that's going be to coming—that some of the metro tribes over there don't come back and jump on us, too . . .

''Male voice: Might Gila River and Salt River indicate that it's a violation of Proposition 202—metropolitan area?

''Male voice: Well, that's what I said in terms of political impact, is that even—even those metro tribes, particularly those three that are right there, might—might say something.''

Shamefully, TO has falsely been claiming a victory in court. Let's be clear. TO won nothing in court. In fact, the U.S. District Court stated there was evidence that TO made false promises, but, unfortunately, TO's sovereign immunity barred the court from ruling on this case. In other words, the court ruled that the tribe cannot be sued in court because ''it can't be sued in court.'' Any ruling could not consider anything claimed under sovereignty by the tribe, i.e., the tribal minutes, notations in meetings.

That is the fundamental reason that H.R. 308, the Keep the Promise Act, is necessary. Only Congress has the authority to hold TO accountable for their shameful, deceitful, and criminal actions. This was confirmed again by the Supreme Court in 2014 in the case of Michigan v. Bay Mills Indian Community, when the Court stated that only Congress can act when a tribe raises sovereign immunity. TO acted immorally and covertly against its fellow tribes, the State, and the general public. We can't let TO get away with these horrific actions that violate a voter-approved compact and that could upend tribal gaming compacts throughout the Nation.

Vote ''yes'' on H.R. 308.

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

There have already been 18 court and Federal agency rulings favoring Tohono O'odham Nation on this issue, and we can dismiss those court decisions by Federal judges—the Ninth Circuit—State judges, administrative hearings with the Interior. We can dismiss them as not meaning anything. Obviously, the state of the law that was passed in 1986 means nothing. Obviously, these court cases and judicial decisions mean nothing because this legislation, H.R. 308, seeks to usurp the law in 1986 and to overrule judicial decisions that have been made.

We keep hearing about the fact that there is no standing in those decisions. The latest was a unanimous decision by the Ninth Circuit Court of Appeals that confirmed, once again, the legality of the tribe's West Valley project.

We keep hearing the same myths about what the numerous legal outcomes actually mean for the nation. For instance, we heard just now that the nation won nothing on the merits and that all of the cases had merely been dismissed on the draconian doctrine of sovereign immunity.

It doesn't take a law degree to realize that, while the court dismissed some claims for this reason, the courts have, in fact, ruled on the merits of several of the claims in favor of the nation. For example, Judge David Campbell, a George W. Bush appointee, ruled:

''The parties did not reach such an agreement, and the nation's construction of a casino on the Glendale area land will not violate the compact.''

He ruled: ''No reasonable reading of the compact could lead a person to conclude that it has prohibited new casinos in the Phoenix area.''

He ruled: ''The Glendale area land acquired by the nation qualifies for gaming under the Indian Game and Regulatory Act.''

Judge Campbell also ruled: ''No other agreements or promises are valid or binding.''

The latest unanimous ruling from the Ninth Circuit found that Arizona State law, designed to block the Federal Government from taking land it purchased into trust on behalf of the nation, was unconstitutional and would frustrate the purpose of the law Congress passed to secure replacement lands for the nation.

The rulings further confirmed that, if H.R. 308 is enacted—the land that is

now in trust—the nation's contractual and statutory right to sue to use its land would be violated, and the U.S. taxpayer would be on the hook to pay the nation up to $1 billion in compensation.

We can't dismiss those decisions because it serves the narrative of those who want to keep a ''no competition'' zone in the Phoenix area.

With regard to the West Valley—and I represent a part of that area up in Maricopa—it is in deep need of stimulus and economic development. This would be a huge shot in the arm as evidenced by the support of the mayors and city councils of Peoria, Tolleson, and Glendale, which is where the casino would be located, representing 670,000 people in that West Valley area. So I would say that there is support in the area, and one cannot merely dismiss it as if there is not any.

I want to address the claim of reservation shopping head-on. The proponents of this bill love to throw around the term ''reservation shopping.'' They like to suggest the bad images associated with it. They invoke the ''boogeyman of tribal megacasinos'' outside of major cities, but that cannot be further from the truth for the Tohono O'odham Nation. This has nothing to do with reservation shopping, and the term is offensive at best. The Tohono O'odham Nation didn't ask for their land to be flooded and their economic resources to be destroyed. They didn't ask for their agricultural way of life to be taken away. They aren't looking to expand their land base. They are simply trying to replace the land that was destroyed by the Federal Government.

The Gila Bend Act, which authorized the land, is specific only to the Tohono O'odham Nation. The replacement land can only be purchased in one of three counties. In fact, the land in question is in the exact same county, Maricopa, where the flooded land was located, and the replacement land was to be specifically used—and I am quoting from the original Gila Bend Act here of which Senator MCCAIN was a cosponsor—''. . . for sustained economic use which is not principally farming and do not require Federal outlays for construction, and promote the economic self-sufficiency or the self-sufficiency of the O'odham Indian people.''

Nothing in this situation is off-reservation. This tribe simply has reservation lands in two places, thanks to being flooded by a Federal project. So let's please stop talking about ''reservation shopping'' and ''Las Vegas-style casinos'' when the casinos in these valleys are not Las Vegas-style casinos but something less than—maybe Reno-style casinos, maybe Atlantic City-style casinos.

The fact remains that this act and the land that we are talking about—for the O'odham and the Gila Bend Act—was a replacement to their losing 10,000 acres due to the Painted Hills Dam that was constructed by the Federal Government. All of the rights have been affirmed by the courts, and the right for use has been affirmed by the court. We can't dismiss those judicial decisions as merely inconveniences to some. They are legal decisions; they are binding; the land is in trust. For all intents and purposes, the reservation land and the complication of passing this bill and the complication of future liability for the Federal Government is very much part of the decision that is being made today.

I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. I thank the gentleman.

Mr. Speaker, the gentleman from Arizona makes my exact point.

The discovery in the case of the State of Arizona v. TO prohibited the discovery of those minutes and tribal minutes in meetings from being allowed in the court. That is why the court said they had to find on behalf of TO, but they knew something was wrong.

As cited earlier in my testimony, the Supreme Court ruled once again that Congress—and only Congress—has the jurisdiction over tribal treaties and tribal entities when they claim sovereign immunity. Once again, for 2014, the gentleman from Arizona mis-cites that.

Last but not least, jobs have been utilized here, but they should not be utilized by criminal extortion and in violation of the Indian Gaming Regulatory Act. This has consequences far beyond that, not just for Arizona but across the country. When we passed the Indian Gaming Regulatory Act, we expected good faith and to follow the proceedings and to not enhance criminal activity. Obviously, just by my citations in the record, it shows that there was a conspired, extortive extent to which the TO conspired to violate the compact that the voters of Arizona expected to be honored exactly.

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

I am not going to get into the points that were made about extortion and immorality.

What is going on here is that this piece of legislation, H.R. 308, seeks to target just one tribe, the Tohono O'odham Nation, in order to retroactively prohibit a specific casino which is on their reservation land and which is almost completely constructed and will soon be operational. Other wealthy special interests don't want the competition. It is as simple as that.

We have talked about the court cases, the agency's ruling, and the land's being taken into trust. The tribe is right in that their West Valley casino is well within the conditions of the Arizona Gaming Compact, and it has been upheld by the courts; but that hasn't stopped the special interests and the wealthy lobbyists from pushing this reckless bill year after year.

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By supporting H.R. 308, I think the Members are setting a dangerous precedent. You are saying that no matter what the obligations are to our Native Nations by a previous Congress, no matter what was promised to them and agreed in law, no matter what was decided and ruled upon by a court, no matter the process undertaken by the administration—you are opening up a very, very dangerous area—that you can unilaterally undo, by the request of outside interests for one tribe, their ability to take full advantage of the law that was passed in 1986 and to make them whole again economically.

You are opening up an era of selective sovereignty where Congress can dictate the terms for how and when a tribe can assert its own self-determination and self-governance. That is akin to Congress being the sole determiner of recognizing who is a Native tribe and who isn't.

I believe that this bill, H.R. 308, is going to have serious ramifications for this Congress if it is passed and ever were to become law. The precedent set here is a dangerous precedent that extends beyond the one tribe that is being targeted now. It's the O'odham Nation being targeted now. What would prevent this same kind of situation in a different light, under different circumstances on a different issue from another tribe being targeted and limited as to the use of their land and under law?

Mr. Speaker, let me close by saying that this controversial and potentially costly legislation really has no place on the suspension calendar. At the very least, Members deserve the opportunity to fully debate H.R. 308 and to offer amendments to address the serious concerns raised by the legislation.

For example, the bill should be amended to guarantee that any Federal liability resulting from litigation sparked by H.R. 308—liability that the CBO estimates could be as high as $1 billion—shall not result in a reduction in funding for any Bureau of Indian Affairs programs. We should not punish the rest of Indian country for the greed of a few.

Second, the legislation should be amended to clarify that this prohibition on gaming should not apply to land specifically authorized by Congress as compensation for trust lands destroyed by the Federal agency action. If the bill is designed to stop so-called off-reservation gaming and reservation shopping, it should clearly exempt reservation lands provided to a tribe to replace land that the Federal Government destroyed.

If the aim of H.R. 308 is to enforce Arizona's tribal-State gaming compact, this legislation should be amended to be clear that gaming can take place as

long as it is conducted pursuant to the compact.

Bringing H.R. 308 to the floor under suspension is unfair, and it only serves the interests of those who would rather not discuss the issues highlighted by these and other amendments.

Finally, let me reiterate that regardless of how you voted the last time around, this is a completely different situation. As of July 2014, the land is now in trust. It is now part of the Tohono O'odham Reservation. This casino is set to open for business next month. If this legislation was unfair before, it is now just shameful.

Mr. Speaker, there was only one promise that was made that needs to be kept; the solemn promise this government made to the Tohono O'odham Nation with the passage of the Gila Bend Act in 1986. H.R. 308 will break that promise. It will set a dangerous precedent for settled land claims and will forever be a black mark on the dealings with Indian nations.

I urge Members to oppose H.R. 308. I remind my colleagues that this piece of legislation, while tempered and promoted for interests, carries with it extensive liability, dangerous precedents, and deserves a full, regular order debate, which we are not going to have today.

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

Mr. YOUNG of Alaska. Mr. Speaker, how much time do I have left?

The SPEAKER pro tempore (Mr. WALKER). The gentleman has 6 minutes remaining.

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

This has been a good debate. Of course, I brought this bill to the floor on behalf of the mostly unanimous Arizona delegation. My role in this is that I am, in fact, the prime author of the Indian Gaming Regulatory Act itself.

I would suggest that what is being proposed here and the opposition to it, H.R. 308 does not affect land into trust and is a temporary halt. All this bill does is stop the opening of this casino, which they did, I believe, under the guise of dishonesty to the general public. Promises made, promises kept.

When the Governor and all the tribes, including the Tohono O'odham Tribe, agreed and signed a compact not to expand gambling in the State of Arizona, as they were doing so, in signing the compact, they were in preparations to buy this land, not telling anybody, not acknowledging or thinking of another casino. At least they should have had the courage and the guts not to sign the compact.

It went to the public. Promises made to the public. It would never have passed. Gambling in Arizona would not be there if they did not have this understanding there would be no expansion.

Now we have a group—and don't talk about greed, et cetera. There are people in that group who are just as greedy, trying to take and establish a gambling place where they said they wouldn't do it. That was the compact. That was the understanding with the State. That was the State legislative body.

Then we hear on the other side we can't vote for this because it is going to take jobs away. Away from whom? Other Natives. Other American Indians.

Remember, these casinos were built on a platform, a model of how many people go in and how many people come out. That is how you make these casinos pay, and that was the understanding and the plan that all the tribes agreed to. They all signed it, and we have documentation of that.

It was voted on by the general public because the general public did not want an expansion of gambling within the State of Arizona. It passed in good faith, but the faith was not that good. It was not the spirit and intent of the Indian Gaming Act at all. It broke the compact with the State and the people of the State. That is what we have to think about.

There is a factor here that was not exposed during the conference and in negotiating with the State and with the tribes. It was not exposed yet. It was taking place, not in sincerity but, in fact, in dishonesty.

I don't like to get involved in these tribal wars, but what is being encouraged here is wrong with that compact. The promise made by the people for the people and with the people and with the tribes, and you are asking us not to stop that.

This is a good piece of legislation to make sure a dishonest act does not take place. A breaking of a promise while you are holding your hand behind your back with your fingers crossed when you have the other hand up swearing, that is what occurred.

So I am asking my colleagues to listen to the Arizona delegation and the Governor. I am asking my colleagues to think about a promise made should be kept and only the Congress will make sure it is kept.

I yield back the balance of my time.

Mr. SHERMAN. Mr. Speaker, H.R. 308, the Keep the Promise Act is a close call on the merits. However, as I have stated in the CONGRESSIONAL RECORD before (for example on September 25, 2012), when a bill is controversial and a close call on the merits, we should not be considering it under suspension of the rules. Accordingly, I cannot vote to suspend the rules.

Mr. TOM PRICE of Georgia. Mr. Speaker, today the House is scheduled to consider H.R. 308, the "Keep the Promise Act of 2015" which would prohibit gaming on property near Glendale, Arizona that is owned by the Tohono O'odham Nation and held in trust by the United States. The Tohono O'odham Nation is currently constructing a resort and casino on this property and expects to begin operations within a year.

The Congressional Budget Office expects that if this legislation were enacted, the tribe would pursue litigation against the federal government to recover its financial losses from foregone gaming revenue. For this reason, the Congressional Budget Office estimates that possible compensation payments from the government could range from nothing to more than $1 billion. However, the Congressional Budget Office concludes that it has no basis for estimating the outcome of the future litigation.

Budget enforcement is among my top priorities for the 114th Congress. It is my intention to ensure compliance with the Congressional Budget Act and House Rules as they apply to budget enforcement on the floor. However, given the considerable uncertainty of the budget impact of this legislation as concluded by the Congressional Budget Office, it is my position that a definitive score for this legislation cannot be determined.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the bill, H.R. 308.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GRIJALVA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

FAIRNESS TO VETERANS FOR INFRASTRUCTURE INVESTMENT ACT OF 2015

Mr. FITZPATRICK. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1694) to amend MAP–21 to improve contracting opportunities for veteran-owned small business concerns, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1694

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

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fairness to Veterans for Infrastructure Investment Act of 2015".

SEC. 2. DISADVANTAGED BUSINESS ENTERPRISES.

Section 1101(b) of MAP–21 (23 U.S.C. 101 note) is amended—

(1) in paragraph (2) by adding at the end the following:

"(C) VETERAN-OWNED SMALL BUSINESS CONCERN.—The term 'veteran-owned small business concern' has the meaning given the term 'small business concern owned and controlled by veterans' in section 3(q) of the Small Business Act (15 U.S.C. 632(q))."';

(2) in paragraph (3) by inserting "and veteran-owned small business concerns" before the period at the end; and

(3) in paragraph (4)(B)—

(A) in clause (ii) by striking "and" at the end;

(B) in clause (iii) by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(iv) veterans.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. FITZPATRICK) and