Today I rise in support of my legislation, H.R. 3874, the Black Hills Cemetery Act. This bill is of great importance to many communities in the Black Hills of South Dakota.

The Black Hills in South Dakota is home to a number of historic communities and cemeteries. Many of these originated in old mining towns in the 1800s. They have unique significance to the surrounding communities. These include the Englewood Cemetery, the Galena Cemetery, Hayward Cemetery, Mountain Meadows Cemetery, Roubaix Cemetery, Nemo Cemetery, Rockerville Cemetery, Silver City Cemetery, and the Cold Springs Cemetery.

These cemeteries are currently being managed by local cemetery associations or community groups in the surrounding areas, but have been technically owned by the U.S. Forest Service since the 1900s. This causes unnecessary liability for the U.S. Forest Service because of responsibility for upkeep and dealing with possible vandalism or damage to the property.

The Black Hills Cemetery Act would simply transfer ownership of these cemeteries and up to 2 acres of adjacent land to the caretaking communities that have managed them for generations under special-use permits issued by the Forest Service at almost no cost to taxpayers. It also makes clear that these cemeteries will continue to be used for the same purpose as they have always been used in the past.

I sponsored this bill at the request of these communities and the current caretakers of the cemeteries and in consultation with the U.S. Forest Service. An article by the Rapid City Journal talked about Dennis McMillin, who is chief of the local volunteer fire department that takes care of the Hayward Cemetery. He mentioned that passing this bill would make it less complicated for both the caretakers and for the United States Forest Service. He also mentioned that this bill is important because it allows for some expansion for those families who are still interested in burial plots.

A lot of local residents have relatives buried in these cemeteries, so this coming Memorial Day, many will pay their respects to family members. Many of these communities will hold special services on the cemetery grounds in the coming weeks. After the House passes this bill, these families and communities are one step closer to having these cemeteries officially in their care and will continue to do an excellent job managing them.

I would like to thank the communities and the local residents for their help in working with my office and for advocating for this bill. I would also like to thank Chairmen HASTINGS and BISHOP and their staffs for helping me push this bill forward.

It is important for those reasons that we pass this bill and that the Senate does the same. These communities have been asking for a solution to this situation for a number of years, and as their Representative, I'm glad we have the opportunity to pass this bill today off the House floor.

I urge my colleagues to support and pass this bill for the communities in South Dakota.

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

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

Mr. HEINRICH. Mr. Speaker, H.R. 3874 conveys cemeteries currently on Forest Service lands to communities in South Dakota. These local communities already manage and maintain these cemeteries, and the legislation requires that these lands continue to be used for cemetery purposes.

We have no objections to this legislation, and with that, I yield back the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself the balance of my time.

This commonsense piece of legislation moves nine parcels of land to the respective communities that currently manage and maintain these cemeteries. It frees the Forest Service from administering these cemeteries so they can focus on other jobs, like maybe tackling the growing mountain pine beetle epidemic in the Black Hills. It's a great bill, I urge its adoption, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 3874, as amended.

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. BISHOP of Utah. 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 question will be postponed.

HELPING EXPEDITE AND ADVANCE RESPONSIBLE TRIBAL HOME OWNERSHIP ACT OF 2011

Mr. BISHOP of Utah. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 205) to amend the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases,'' approved August 9, 1955, to provide for Indian tribes to enter into certain leases without prior express approval from the Secretary of the Interior, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 205

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 ''Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2011'' or the ''HEARTH Act of 2011''.

SEC. 2. APPROVAL OF, AND REGULATIONS RELATED TO, TRIBAL LEASES.

The first section of the Act titled ''An Act to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, residential, business, and other purposes requiring the grant of long-term leases'', approved August 9, 1955 (25 U.S.C. 415), is amended as follows:

(1) In subsection (d)—

(A) in paragraph (4), by striking ''the Navajo Nation'' and inserting ''an applicable Indian tribe'';

(B) in paragraph (6), by striking ''the Navajo Nation'' and inserting ''an Indian tribe'';

(C) in paragraph (7), by striking ''and'' after the semicolon at the end;

(D) in paragraph (8)—

(i) by striking ''the Navajo Nation'';

(ii) by striking ''with Navajo Nation law'' and inserting ''with applicable tribal law''; and

(iii) by striking the period at the end and inserting a semicolon; and

(E) by adding at the end the following:

''(9) the term 'Indian tribe' has the meaning given such term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a); and

''(10) the term 'individually owned allotted land' means a parcel of land that—

''(A)(i) is located within the jurisdiction of an Indian tribe; or

''(ii) is held in trust or restricted status by the United States for the benefit of an Indian tribe or a member of an Indian tribe; and

''(B) is allotted to a member of an Indian tribe.''.

(2) By adding at the end the following:

''(h) TRIBAL APPROVAL OF LEASES.—

''(1) IN GENERAL.—At the discretion of any Indian tribe, any lease by the Indian tribe for the purposes authorized under subsection (a) (including any amendments to subsection (a)), except a lease for the exploration, development, or extraction of any mineral resources, shall not require the approval of the Secretary, if the lease is executed under the tribal regulations approved by the Secretary under this subsection and the term of the lease does not exceed—

''(A) in the case of a business or agricultural lease, 25 years, except that any such lease may include an option to renew for up to 2 additional terms, each of which may not exceed 25 years; and

''(B) in the case of a lease for public, religious, educational, recreational, or residential purposes, 75 years, if such a term is provided for by the regulations issued by the Indian tribe.

''(2) ALLOTTED LAND.—Paragraph (1) shall not apply to any lease of individually owned Indian allotted land.

''(3) AUTHORITY OF SECRETARY OVER TRIBAL REGULATIONS.—

''(A) IN GENERAL.—The Secretary shall have the authority to approve or disapprove any tribal regulations issued in accordance with paragraph (1).

''(B) CONSIDERATIONS FOR APPROVAL.—The Secretary shall approve any tribal regulation issued in accordance with paragraph (1), if the tribal regulations—

''(i) are consistent with any regulations issued by the Secretary under subsection (a) (including any amendments to the subsection or regulations); and

''(ii) provide for an environmental review process that includes—

''(I) the identification and evaluation of any significant effects of the proposed action on the environment; and

''(II) a process for ensuring that—

''(aa) the public is informed of, and has a reasonable opportunity to comment on, any significant environmental impacts of the proposed action identified by the Indian tribe; and

''(bb) the Indian tribe provides responses to relevant and substantive public comments on

any such impacts before the Indian tribe approves the lease.

''(C) TECHNICAL ASSISTANCE.—The Secretary may provide technical assistance, upon request of the Indian tribe, for development of a regulatory environmental review process under subparagraph (B)(ii).

''(D) INDIAN SELF-DETERMINATION ACT.—The technical assistance to be provided by the Secretary pursuant to subparagraph (C) may be made available through contracts, grants, or agreements entered into in accordance with, and made available to entities eligible for, such contracts, grants, or agreements under the Indian Self-Determination Act (25 U.S.C. 450 et seq).

''(4) REVIEW PROCESS.—

''(A) IN GENERAL.—Not later than 120 days after the date on which the tribal regulations described in paragraph (1) are submitted to the Secretary, the Secretary shall review and approve or disapprove the regulations.

''(B) WRITTEN DOCUMENTATION.—If the Secretary disapproves the tribal regulations described in paragraph (1), the Secretary shall include written documentation with the disapproval notification that describes the basis for the disapproval.

''(C) EXTENSION.—The deadline described in subparagraph (A) may be extended by the Secretary, after consultation with the Indian tribe.

''(5) FEDERAL ENVIRONMENTAL REVIEW.—Notwithstanding paragraphs (3) and (4), if an Indian tribe carries out a project or activity funded by a Federal agency, the Indian tribe shall have the authority to rely on the environmental review process of the applicable Federal agency rather than any tribal environmental review process under this subsection.

''(6) DOCUMENTATION.—If an Indian tribe executes a lease pursuant to tribal regulations under paragraph (1), the Indian tribe shall provide the Secretary with—

''(A) a copy of the lease, including any amendments or renewals to the lease; and

''(B) in the case of tribal regulations or a lease that allows for lease payments to be made directly to the Indian tribe, documentation of the lease payments that are sufficient to enable the Secretary to discharge the trust responsibility of the United States under paragraph (7).

''(7) TRUST RESPONSIBILITY.—

''(A) IN GENERAL.—The United States shall not be liable for losses sustained by any party to a lease executed pursuant to tribal regulations under paragraph (1).

''(B) AUTHORITY OF SECRETARY.—Pursuant to the authority of the Secretary to fulfill the trust obligation of the United States to the applicable Indian tribe under Federal law (including regulations), the Secretary may, upon reasonable notice from the applicable Indian tribe and at the discretion of the Secretary, enforce the provisions of, or cancel, any lease executed by the Indian tribe under paragraph (1).

''(8) COMPLIANCE.—

''(A) IN GENERAL.—An interested party, after exhausting of any applicable tribal remedies, may submit a petition to the Secretary, at such time and in such form as the Secretary determines to be appropriate, to review the compliance of the applicable Indian tribe with any tribal regulations approved by the Secretary under this subsection.

''(B) VIOLATIONS.—If, after carrying out a review under subparagraph (A), the Secretary determines that the tribal regulations were violated, the Secretary may take any action the Secretary determines to be necessary to remedy the violation, including rescinding the approval of the tribal regulations and reassuming responsibility for the approval of leases of tribal trust lands.

''(C) DOCUMENTATION.—If the Secretary determines that a violation of the tribal regulations has occurred and a remedy is necessary, the Secretary shall—

''(i) make a written determination with respect to the regulations that have been violated;

''(ii) provide the applicable Indian tribe with a written notice of the alleged violation together with such written determination; and

''(iii) prior to the exercise of any remedy, the rescission of the approval of the regulation involved, or the reassumption of lease approval responsibilities, provide the applicable Indian tribe with—

''(I) a hearing that is on the record; and

''(II) a reasonable opportunity to cure the alleged violation.

''(9) SAVINGS CLAUSE.—Nothing in this subsection shall affect subsection (e) or any tribal regulations issued under that subsection.''.

SEC. 3. LAND TITLE REPORTS.

(a) IN GENERAL.—The Bureau of Indian Affairs shall prepare and submit to the Committee on Natural Resources of the House of Representatives and the Committee on Indian Affairs of the Senate a report regarding the history and experience of Indian tribes that have chosen to assume responsibility for operating the Indian Land Title and Records Office (referred to in this section as the ''LTRO'') functions from the Bureau of Indian Affairs.

(b) CONSULTATION.—In conducting the review under subsection (a), the Bureau of Indian Affairs shall consult with the Department of Housing and Urban Development Office of Native American Programs and the Indian tribes that are managing LTRO functions (referred to in this section as the ''managing Indian tribes'').

(c) CONTENTS.—The review under subsection (a) shall include an analysis of the following factors:

(1) Whether and how tribal management of the LTRO functions has expedited the processing and issuance of Indian land title certifications as compared to the period during which the Bureau of Indian Affairs managed the programs.

(2) Whether and how tribal management of the LTRO functions has increased home ownership among the population of the managing Indian tribe.

(3) What internal preparations and processes were required of the managing Indian tribes prior to assuming management of the LTRO functions.

(4) Whether tribal management of the LTRO functions resulted in a transfer of financial resources and manpower from the Bureau of Indian Affairs to the managing Indian tribes and, if so, what transfers were undertaken.

(5) Whether, in appropriate circumstances and with the approval of geographically proximate Indian tribes, the LTRO functions may be performed by a single Indian tribe or a tribal consortium in a cost effective manner.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. BISHOP) and the gentleman from New Mexico (Mr. HEINRICH) each will control 20 minutes.

The Chair recognizes the gentleman from Utah.

GENERAL LEAVE

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

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

There was no objection.

Mr. BISHOP of Utah. Mr. Speaker, I yield myself such time as I may consume.

Under current law, each and every nonmineral lease that a tribe executes with a third party is subject to approval of the Department of the Interior before it can take effect. It doesn't matter whether the tribe and a third party have negotiated the terms of a lease to their mutual satisfaction; Washington, D.C., ultimately decides because, after all, Washington, D.C., always knows better.

Unfortunately, the result of this paternalism is predictable—the leases do not get approved on a timely basis, if at all. The government has erected all kinds of regulatory hurdles for tribes leasing their lands. In the private sector, time is money; and when the government delay costs money, investors take their business elsewhere.

In 2000, Congress agreed with a request by the Navajo Nation to let the tribe lease its land without Federal approval so long as the leasing occurs under tribal regulations and they have been approved by the Secretary. The amendments absolve taxpayers from liability for leasing decisions the Navajo Nation makes.

For years, many tribes have pleaded with Congress to let them manage their lands with less Federal supervision. H.R. 205 simply allows any tribe the same option that the Navajo Nation already enjoys. While this bill does not completely remove the government from tribal lands, which would be our goal, it takes a step in the right direction.

□ 1730

A previous version of this bill was introduced and ordered reported in the very last Congress, but it languished and saw no further action. So I am very pleased today that this bill, sponsored by a Democrat Member, that decreases Federal regulation of Indian lands is poised to pass with very strong bipartisan support.

I urge adoption of this measure, and I reserve the balance of my time.

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

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

Mr. HEINRICH. Mr. Speaker, shortly after being elected to Congress, I met with some New Mexico tribal leaders who brought to my attention the onerous process for securing a long-term lease on trust land—an unnecessary procedural burden that affects every single home mortgage on Indian land.

We all know how important homeownership is to healthy communities, and the last thing the Federal Government should do is stand in the way of families ready and willing to buy a home. That's why I introduced this bill, the Helping Expedite and Advance Responsible Tribal Home Ownership Act, which we call the HEARTH Act.

Native families buying a house go through the same process as everyone else—they find a house they like, work with their bank to gain approval for a mortgage, and make an offer to the seller. But before these families can close on the sale, they must also get approval from the Bureau of Indian Affairs to lease the land that the house is

built on. That approval can take between 6 months and 2 years—an intolerable delay for most buyers.

We all know that a seller is rarely able to wait 2 years to sell their house, and banks are often unable to hold a mortgage approval for anywhere near that long. I know that there are many Native families who would prefer to stay and raise their children in the communities where their families have lived for generations, but instead have had to move from Indian Country to nearby cities because they want to own a home. Families shouldn't be forced to make such an important decision based on how many months, or years, it will take a Federal bureaucracy to approve a mortgage on tribal land.

Similarly, many tribal communities lose out on commercial investment because the process for securing a lease through the BIA takes so long. In these tough economic times, we should not be making it harder for business to develop on tribal land.

The HEARTH Act would allow tribes to develop their own leasing regulations and make leasing decisions on the tribal level rather than waiting for BIA approval. Under the bill, tribes would submit their regulations to the Secretary of the Interior for approval. Once the regulations are approved, tribes would be authorized to make their own decisions about how to lease their land in accordance with approved leases. This process would be completely voluntary for tribes. A tribe that chooses not to submit leasing regulations for approval would continue under the current system of BIA approval.

Many tribes already have a lease approval process through their tribal government that approves land leases before they're even sent to the BIA. For those tribes that want the authority and responsibility for making final leasing decisions at the tribal level, the HEARTH Act would give them the option of doing so.

Our Nation is home to a vast diversity of tribes, and Federal policy should reflect that diversity. The HEARTH Act will allow tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in tribal communities.

Mr. Speaker, before I close, I want to make sure to thank Representatives MARKEY, HASTINGS, BOREN, YOUNG, KILDEE, COLE, and LUJÁN for their meaningful work on this important legislation. Again, I ask my colleagues to vote ''yes'' on this important bipartisan bill to support Native families and communities.

I reserve the balance of my time.

Mr. BISHOP of Utah. Mr. Speaker, I am pleased to yield as much time as he may consume to the gentleman from Oklahoma (Mr. COLE), who has proven an expert as well as totally versed on the issues of Native Americans in the United States.

Mr. COLE. I thank the gentleman for yielding, and I thank him for those exceptionally generous comments.

Mr. Speaker, I rise today in support of H.R. 205, the HEARTH Act, by the gentleman from New Mexico (Mr. HEINRICH). I want to commend him for bringing forward and working so hard to secure the passage of this genuinely important piece of legislation.

Increased opportunity for economic development in Indian Country is the best way to raise the standards of living for tribal members. This legislation will help break down the barriers to economic development by making needed reforms to tribal leasing regulations.

H.R. 205 will streamline the existing bureaucratic process for leasing tribal trust lands by providing Indian tribes with the option to develop and manage their own surface leasing regimes.

Existing law requires that each lease of tribal surface lands be approved by the Secretary of the Interior. The secretarial approval process is costly, time consuming, often results in lost business and economic opportunities for tribal communities, and is far too cumbersome to be helpful to those it's designed to protect. These lease reforms come from a pilot program which implemented this same regime on the Navajo reservation over a decade ago. Based on the success of that pilot, it's only natural that these reforms be available to all tribes.

Under H.R. 205, once a tribe's own surface leasing regime is approved by the Department of the Interior, the tribe can proceed to negotiate, approve, and administer leases of tribal trust lands under its control. Passage of H.R. 205 will enable tribal governments to assume responsibility for the management of their lands, reduce Federal costs and government liability, and encourage more housing and economic development on Indian lands, resulting ultimately in job creation.

This bill has strong bipartisan support, is a priority for Indian Country, and is strongly supported by the administration. It empowers tribes, encourages tribal self-government, decreases the dependency of tribes on the Federal Government, and speeds up economic development in Indian Country.

I urge my colleagues to vote in favor of H.R. 205, the HEARTH Act. Again, I want to commend the gentleman from New Mexico for his hard work on this important legislation.

Mr. HEINRICH. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

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

Mr. FALEOMAVAEGA. Mr. Speaker, I could not help but listen with tremendous interest, and also to commend my good friend from Oklahoma, who also is the cochairman of our Native American Congressional Caucus. I fully associate myself with the eloquent remarks that he has made in addressing the needs of this legislation that needs to be passed.

I also want to commend my good friend from Utah and the gentleman from New Mexico for their management of this piece of legislation that is so important to our Native American community.

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

Mr. BISHOP of Utah. I urge adoption of this bill, and I yield back the balance of my time.

Mr. MARKEY. Mr. Speaker, I rise in support of the legislation introduced by the gentleman from New Mexico (Mr. HEINRICH). The HEARTH Act will further tribal self-governance and self-determination by authorizing willing Indian tribes to take control of surface leasing on their own lands. Once tribal regulations are approved by the Secretary of the Interior, tribes will be able to lease their lands without federal oversight. H.R. 205 is groundbreaking legislation that enhances tribal control over tribal resources and I ask my colleagues to vote for its passage.

Importantly, H.R. 205 authorizes leasing activity for residential, business, and other purposes. A tribe could therefore use its authority under the HEARTH Act to engage in renewable energy projects on their lands. Indian country has the potential to develop millions of megawatts of wind and solar energy. This bill will help Tribes pursue the economic, environmental and national security benefits that clean energy provides to all Americans.

During the Natural Resources Committee markup, a Democratic amendment added language to authorize tribes to seek the Secretary's technical assistance in developing a regulatory environmental review process for all types of leasing activity. If a tribe chooses to use its new authority to engage in leasing activity for renewable energy projects, for example, it can call upon the expertise of the Department of the Interior to inform development of an appropriate environmental review process. I'm confident that this will enhance tribes' ability to be the best managers of their own lands.

H.R. 205 also requires that approved tribal regulations must be ''consistent with'' existing federal regulations. The United States recognizes tribal primacy for a number of programs under three critical environmental laws—the Clean Water Act, the Safe Drinking Water Act and the Clean Air Act. Tribes have successfully demonstrated their ability to implement these laws. I fully expect that tribes will do the same with the HEARTH Act requirement that their leasing regulations, at a minimum, meet existing federal standards and may even choose to regulate more stringently where appropriate.

I applaud Mr. HEINRICH's leadership on this bill and again encourage my colleagues from both sides of the aisle to vote in favor of H.R. 205.

Mr. BACA. Mr. Speaker, I rise today in support of H.R. 205—The HEARTH ACT, and recognize the vital importance of homeownership and tribal self governance.

I am proud to serve as a cosponsor of this legislation and wish to thank Congressman HEINRICH for sponsoring this bill.

Homeownership is an essential part of the American dream.

Native American families desire to own their own homes just like other citizens of our nation.

Currently Native families can face up to a two year wait to purchase a home on tribal lands because of the bureaucratic red tape at the Bureau of Indian Affairs.

This long wait can be harmful to Native people because sellers often cannot wait for the time it takes for Bureau of Indian Affairs approval. This could result in lands within reservation borders being sold away from tribal members.

The HEARTH ACT allows tribal governments to approve trust land leases directly, significantly reducing the wait for approval and easing the home buying process for tribal families.

In the current housing market, the last thing the federal government should be doing is standing in the way of families looking to buy a home.

I urge my colleagues to join me in supporting homeownership for out Nation's first people, and ask that they vote yes on H.R. 205.

Ms. RICHARDSON. Mr. Speaker, I rise today in strong support of H.R. 205, the Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act of 2011. As a member of the Native American Caucus and a proud co-sponsor of this legislation, I believe the HEARTH Act is an important step forward in supporting tribal self-determination and self-governance.

Native American families buying homes have to go through a unique and burdensome process that involves securing approval from the Federal Bureau of Indian Affairs to lease tribal land. This application process can take as long as two years to complete, often making the dream of owning a home on their tribal land unattainable. Sellers and mortgage lenders are usually unable or unwilling to wait this long, and buyers often resort to moving off tribal land.

The Bureau of Indian Affairs (BIA) plays an important role in the education, healthcare, infrastructure maintenance and law enforcement, among other services, for Native Alaskans and American Indians. The BIA oversees more than 55 million acres of some of the most economically depressed and isolated areas of the United States and is critical in improving the quality life of its members.

The HEARTH Act is a plan for reform that will improve the efficiency of the Bureau of Indian Affairs and will shift important responsibilities to tribes. Under this Act, tribes. Under this Act, tribes will develop their own regulations to be approved by the Secretary of the Interior, and local leaders can assume control over their own leasing processes. Families will avoid the lengthy wait and can seize the opportunity to invest in land that has been in their family and tribe for generations.

Mr. Speaker, I encourage my colleagues to join me in voting for this critical legislation. This is a bill we can all support as it will improve the efficiency of one of our federal bureaus while simultaneously improving housing opportunities for Native American populations. Home ownership is an important part of the American dream, and the HEARTH Act will help hard-working American families achieve that goal.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. BISHOP) that the House suspend the rules and pass the bill, H.R. 205, as amended.

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. BISHOP of Utah. 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 question will be postponed.

AMBASSADOR JAMES R. LILLEY AND CONGRESSMAN STEPHEN J. SOLARZ NORTH KOREA HUMAN RIGHTS REAUTHORIZATION ACT OF 2012

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4240) to reauthorize the North Korean Human Rights Act of 2004, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4240

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 ''Ambassador James R. Lilley and Congressman Stephen J. Solarz North Korea Human Rights Reauthorization Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) The North Korean Human Rights Act of 2004 (Public Law 108–333; 22 U.S.C. 7801 et seq.) and the North Korean Human Rights Reauthorization Act of 2008 (Public Law 110–346) were the product of broad, bipartisan consensus regarding the promotion of human rights, transparency in the delivery of humanitarian assistance, and the importance of refugee protection.

(2) In addition to the longstanding commitment of the United States to refugee and human rights advocacy, the United States is home to the largest Korean population outside of northeast Asia, and many in the two-million strong Korean-American community have family ties to North Korea.

(3) Although the transition to the leadership of Kim Jong-Un after the death of Kim Jong-Il has introduced new uncertainties and possibilities, the fundamental human rights and humanitarian conditions inside North Korea remain deplorable, North Korean refugees remain acutely vulnerable, and the findings in the 2004 Act and 2008 Reauthorization remain substantially accurate today.

(4) Media and nongovernmental organizations have reported a crackdown on unauthorized border crossing during the North Korean leadership transition, including authorization for on-the-spot execution of attempted defectors, as well as an increase in punishments during the 100-day official mourning period after the death of Kim Jong-Il.

(5) Notwithstanding high-level advocacy by the United States, the Republic of Korea, and the United Nations High Commissioner for Refugees, China has continued to forcibly repatriate North Koreans, including dozens of presumed refugees who were the subject of international humanitarian appeals during February and March of 2012.

(6) The United States, which has the largest international refugee resettlement program in the world, has resettled 128 North Koreans since passage of the 2004 Act, including 23 North Koreans in fiscal year 2011.

(7) In a career of Asia-focused public service that spanned more than half a century, including service as a senior United States diplomat in times and places where there were significant challenges to human rights, Ambassador James R. Lilley also served as a director of the Committee for Human Rights in North Korea until his death in 2009.

(8) Following his 18 years of service in the House of Representatives, including as Chairman of the Foreign Affairs Subcommittee on East Asian and Pacific Affairs, Stephen J. Solarz committed himself to, in his words, highlighting ''the plight of ordinary North Koreans who are denied even the most basic human rights, and the dramatic and heart-rending stories of those who risk their lives in the struggle to escape what is certainly the world's worst nightmare'', and served as co-chairman of the Committee for Human Rights in North Korea until his death in 2010.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States should continue to seek cooperation from foreign governments to allow the United States to process North Korean refugees overseas for resettlement in the United States, through persistent diplomacy by senior officials of the United States, including United States ambassadors to Asia-Pacific countries, and close cooperation with its ally, the Republic of Korea; and

(2) because there are genuine refugees among North Koreans fleeing into China who face severe punishments upon their forcible return, the United States should urge the People's Republic of China to—

(A) immediately halt its forcible repatriation of North Koreans;

(B) fulfill its obligations pursuant to the 1951 United Nations Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees, and the 1995 Agreement on the Upgrading of the UNHCR Mission in the People's Republic of China to UNHCR Branch Office in the People's Republic of China; and

(C) allow the United Nations High Commissioner for Refugees (UNHCR) unimpeded access to North Koreans inside China to determine whether such North Koreans are refugees requiring protection.

SEC. 4. SUPPORT FOR HUMAN RIGHTS AND DEMOCRACY PROGRAMS.

Section 102(b)(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7812(b)(1)) is amended by striking ''2012'' and inserting ''2017''.

SEC. 5. RADIO BROADCASTING TO NORTH KOREA.

Not later than 120 days after the date of the enactment of this Act, the Broadcasting Board of Governors (BBG) shall submit to the appropriate congressional committees, as defined in section 5(1) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7803(1)), a report that describes the status and content of current United States broadcasting to North Korea and the extent to which the BBG has achieved the goal of 12-hour-per-day broadcasting to North Korea pursuant to section 103 of such Act (22 U.S.C. 7813).

SEC. 6. ACTIONS TO PROMOTE FREEDOM OF INFORMATION.

Subsections (b)(1) and (c) of section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by striking ''2012'' and inserting ''2017'' each place it appears.

SEC. 7. SPECIAL ENVOY ON NORTH KOREAN HUMAN RIGHTS ISSUES.

Section 107(d) of the North Korean Human Rights Act of 2004 (22 U.S.C. 7817(d)) by striking ''2012'' and inserting ''2017''.