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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. LATOURETTE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 18, 2012.

I hereby appoint the Honorable STEVEN C. LATOURETTE to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

We ask Your special blessing upon the Members of this people's House. They face difficult decisions in difficult times, with many forces and interests demanding their attention.

In these days, give wisdom to all the Members that they might execute their responsibilities to the benefit of all Americans.

Bless them, O God, and be with them and with us all this day and every day to come. May all that is done be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. BURGESS) come forward and lead the House in the Pledge of Allegiance.

Mr. BURGESS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

PRESIDENT OBAMA CREATES MORE CHAOS AND UNCERTAINTY

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, on Friday, the administration showed it is less concerned with supporting policies that will put millions of unemployed Americans back to work and instead has decided to go in an entirely new direction. Unilateral changes in law that have been done for political expediency put individuals ahead of the 12.5 million people who have been seeking work for the past 3½ years.

Mr. Speaker, the administration has produced an executive order that is a political decision—purely political—and one that will continue to block opportunities for American citizens trying to find employment.

Prosecutorial discretion is what we heard this was. This is not prosecutorial discretion. Prosecutorial discretion means you decide whether or not to prosecute an individual for a crime they may or may not have committed. What this is is new policy, new policy that is being implemented by the administration unilaterally—no respect for the people's House, no respect for the United States Congress, no respect for the legislative branch. Instead, prosecutorial discretion now has morphed into, well, we'll provide you a work permit good for 2 years that's renewable for 2 years.

This administration has a history of picking winners and losers. This time it's got to stop. This Congress needs to stand up to this administration starting today.

CHIEF IGNORER OF THE LAW

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker:

With respect to the notion that I can just suspend deportations through executive order, that's just not the case, because there are laws on the books that Congress has passed.

Mr. Speaker, that was President Obama a year ago. But that was then and this is now.

On Friday, the administration issued an imperial decree, acting to unilaterally ignore portions of the immigration law of the land. Mr. Speaker, the last time I checked, it was Congress who makes law, not the President. And it is the job of the Executive to enforce laws, not ignore the ones he just doesn't like.

The President has no interest in fixing the broken immigration system. Instead, he has decreed this temporary amnesty in hopes of winning votes in November. He doesn't like the constitutional process for law-making because it just gets in his way, so he acts like an emperor instead of a President.

It's time for the former constitutional professor to read the Constitution.

And that's just the way it is.

UNCERTAINTY DESTROYS JOBS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, in Wednesday's Washington Examiner, columnist John Stossel quoted Economist John B. Taylor of the Hoover Institution who stated:

Printed on recycled paper.

Unpredictable economic policy—massive fiscal stimulus and ballooning debt, the Federal Reserve's quantitative easing with multiyear near-zero interest rates, and regulatory uncertainty due to ObamaCare and the Dodd-Frank financial reforms—is the main cause of persistent high unemployment and our feeble recovery.

Over the last 3 years, our economy has not improved, our unemployment rate has remained above 8 percent, our small business owners have been forced to pay higher taxes, and the government spending continues to spiral out of control. The President and his liberal allies in the Senate continue to support legislation that creates more barriers resulting in job loss. The President and the Senate should work with House Republicans and pass over 30 House bills that are aimed to create jobs through private sector growth.

In conclusion, God bless our troops; and we will never forget September the 11th in the global war on terrorism.

Best wishes for a speedy recovery for Earl Brown of Columbia.

SENATE SUGAR VOTE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, I want to praise my colleague from Pennsylvania, Senator TOOMEY, for introducing an amendment to the farm bill to phase out the Federal sugar program. Though the Senate narrowly voted to table the amendment, it demonstrated that there is substantial bipartisan support to reform a program that hurts American job creators and consumers.

Today's Wall Street Journal editorial entitled ''A Tale of Two Conservatives'' also praises Senator TOOMEY and calls out the Republicans who voted against this free-market amendment.

By some estimates, the Federal sugar program artificially doubles the price of sugar in the United States. While we protect sugar growers and processors, sugar users and consumers are at a severe disadvantage. American jobs have been lost as foreign competitors benefit from reduced prices for raw sugar.

The Department of Commerce estimates that sugar-using industries lost 112,000 jobs from 1997 to 2009. Here in the House, I'm working with DANNY DAVIS on a bipartisan amendment to the farm bill. I hope that when the Chamber considers reforming the farm bill, Democrats and Republicans can come together to protect jobs and stop the government from playing favorites.

PROTECT THE CONSTITUTION FROM WHITE HOUSE ATTACKS

(Mr. BROOKS asked and was given permission to address the House for 1 minute.)

Mr. BROOKS. Mr. Speaker, last week Barack Obama unilaterally and unlawfully changed America's immigration law by ordering the Federal Government to accept illegal aliens' applications for work permits. I am deeply alarmed that America's President so blatantly undermines the rule of law.

Article I, section 1 of our Constitution states:

All legislative powers herein granted shall be vested in a Congress of the United States.

Article I, section 8 states:

The Congress shall have the power to regulate commerce and to establish a uniform rule of naturalization.

Article II defines executive branch power. It does not give any President the power to make his own laws. In America, we elect Presidents, not Caesars. The only way to change America's immigration law is as our Constitution demands, through Congress, not by imperial decree. In America, no one, not even the President, is above the law. I urge Congress and all law-abiding Americans to protect our Constitution from White House attacks.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind all Members to avoid personal references toward the President of the United States.

ELECTRIC COOPERATIVE YOUTH TOUR

(Mr. SMITH of Nebraska asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to recognize the more than 1,500 youth from across America visiting our Nation's capital this week to participate in the 48th annual Electric Cooperative Youth Tour. These high school juniors and seniors are attending meetings with their Senators and Representatives, watching floor action from the respective galleries, and visiting museums and memorials dedicated to our country's rich past.

I personally look forward to meeting with the 18 participating students from Nebraska and urge my colleagues to take time this week to meet with youth from their States as well. These students are part of a great tradition. Every June, for the past 48 years, more than 50,000 young citizens and future leaders have come to Washington, D.C., with the help of their electric cooperatives. Electric Cooperative Youth Tour alumni are now engaged at many levels of government as well.

I want to once again applaud these young people and thank participating electric cooperatives and rural electric associations for sponsoring these programs to instill lessons of citizenship in the next generation.

□ 1410

RECOGNIZING THE OUTSTANDING CAREER OF DR. JOHN W. BECHER

(Mr. HECK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECK. Mr. Speaker, I rise today to recognize the outstanding career of Dr. John W. Becher, or ''Chief'' as he was called by scores of medical residents, an osteopathic physician who has dedicated his life to his patients, his students, and to the improvement of the medical profession.

Dr. Becher's commitment to the field of emergency medicine spans more than 30 years. As professor and chairman of the Department of Emergency Medicine at the Philadelphia College of Osteopathic Medicine, he has helped countless students and residents, myself included, develop their skills and become an essential part of our health care workforce.

As a young resident at Albert Einstein Medical Center, I was fortunate to have Dr. Becher's insight and guidance as my residency director. His dedication to emergency medicine was evident then, and his understanding of the osteopathic profession was invaluable to my training and to my career.

His involvement in the field of osteopathic medicine is unparalleled. In addition to his work at PCOM, he currently serves as the secretary treasurer of the National Board of Osteopathic Medical Examiners and is a member of the board of trustees for the American Osteopathic Association.

He was a member of the editorial board of the Journal of the American Osteopathic Association for nearly 20 years, and he is the past president of the American College of Osteopathic Emergency Physicians—and these are only some of his accomplishments. His never-ending contributions and service to his profession and his patients have rightly been recognized, most recently by the awarding of the O.J. Snyder Memorial Medal.

Dr. Becher's lifelong commitment to patient care and to the excellence of future physicians serves as a powerful legacy to the field of emergency medicine. I consider myself fortunate to have learned under his leadership, and it is an honor to recognize his achievements.

Chief, my sincere congratulations on your well-deserved retirement.

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, June 15, 2012.

Hon. JOHN A. BOEHNER,
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 June 15, 2012 at 10:20 a.m.:

That the Senate passed without amendment H. Con. Res. 128.

With best wishes, I am
Sincerely,

KAREN L. HAAS,
Clerk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 4 p.m. today.

Accordingly (at 2 o'clock and 12 minutes p.m.), the House stood in recess.

□ 1601

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LATOURETTE) at 4 o'clock and 1 minute 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 in the day.

OMNIBUS INDIAN ADVANCEMENT ACT AMENDMENT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1556) to amend the Omnibus Indian Advancement Act to allow certain land to be used to generate income to provide funding for academic programs, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1556

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

SECTION 1. LAND USE.

Section 824(a) of the Omnibus Indian Advancement Act (Public Law 106–568) is amended to read as follows:

''(a) LIMITATION FOR EDUCATIONAL, HEALTH, CULTURAL, AND ECONOMIC DEVELOPMENT PURPOSES.—The land taken into trust under section 823(a) shall be used solely for the educational, health, or cultural purposes of the Santa Fe Indian School and economic development projects that provide funding for such purposes.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

The Santa Fe Indian School in Santa Fe, New Mexico, established in the late 1800s, is a Federal off-reservation boarding school for the 19 pueblo governors of New Mexico. On December 20, 2000, Public Law 106–568 transferred 115 acres of property to the school with certain limitations. H.R. 1556 would allow the Santa Fe Indian School to use its 115 acres of land for economic development. The bill will retain the prohibition on Indian gaming on the transferred land.

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

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

Mr. Speaker, I would like to thank Chairman HASTINGS, Chairman YOUNG, Ranking Member MARKEY, and Ranking Member BOREN for working with me in the Natural Resources Committee to help address the many issues impacting Indian Country and the tribes I represent in New Mexico. I also want to recognize the hard work of the superintendent of Santa Fe Indian School and former governor of Kewa Pueblo, Everett Chavez, and former AIPC president and former NCAI president Joe Garcia on this bill. They worked with the pueblos and the All Indian Pueblo Council to support this legislation, which will help Santa Fe Indian School and New Mexico's 19 pueblos achieve educational sovereignty for Native American students across New Mexico.

Santa Fe Indian School and the 19 pueblos approached my office early last year seeking the introduction of a technical change to the Omnibus Indian Advancement Act to allow certain lands designated to the school to be used to generate income to provide funding for academic and cultural programs at the Indian school. Knowing the importance of what Santa Fe Indian School provides to Native American students in New Mexico, I was very interested in their approach to move toward true financial independence and educational sovereignty for Santa Fe Indian School and its students.

I want to point out the importance of sovereignty and what it means for our tribal brothers and sisters to be able to provide a quality education for their own children. Education is truly empowering, especially when Native American students are able to get an education that embraces their cultural and traditional identities—and that is the type of education Santa Fe Indian School provides.

I worked with Superintendent Chavez and Santa Fe Indian School to draft a bill that would make a technical amendment to allow the school to explore economic opportunities so that students at the Indian school can attain the best possible education and to be able to support their mission. Santa Fe Indian School provides a challenging, stimulating, and nurturing learning environment that shares educational responsibility with Native communities, parents, and students to develop the students' true potential to meet obligations to themselves and their tribal communities.

In this time of financial uncertainty and the limitations of the Federal Government to assist in Federal education programs, it is so important to give Santa Fe Indian School the tools they need to help their students receive a quality education regardless of the climate in Washington. H.R. 1556 would achieve that goal. I'm proud to be able to assist the Santa Fe Indian School in amending the Omnibus Indian Advancement Act to allow the school to achieve new heights in educating Native American students. This technical amendment will help make the school more self-sufficient and create greater opportunities for students attending the Indian School by ensuring the financial capability to maintain and expand the level of academic and cultural education for Native American students.

This is a commonsense bill that will help Native American students in New Mexico, and I urge the support of my colleagues. I thank the chairman for his support as well.

I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge adoption of the bill, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1556, which amends the Omnibus Indian Advancement Act to allow land taken into trust for the 19 Pueblos of New Mexico to be used to generate income to provide funding for academic programs and other purposes of the Sante Fe Indian School. I am proud to co-sponsor the Omnibus Indian Advancement Act, and I thank my colleague, Congressman LUJÁN for introducing this legislation.

As a member of the Native American Caucus, addressing the needs of Native Americans is of great importance to me. California is home to over one hundred federally recognized tribes and it is my belief that these tribes deserve the right to use land to fund academic programs for the advancement of their citizens.

This legislation will allow eligible tribes to promote self-determination and economic self-sufficiency by allowing the land taken into trust under section 823(a) to be used solely for the educational, health, or cultural purposes and economic development projects that provide funding for such purposes.

The Sante Fe Indian School has a Community-Based Education Program that is seen nationwide as a model of instructional innovation. The over 700 students that attend the Sante Fe Indian School, are able to participate in a constructive learning environment with new dormitories, new classrooms, and student activity centers. Sante Fe Indian School graduates are given an effectual education and past graduates have received over $800,000

in scholarship assistance to schools such as Dartmouth, Georgetown, and Notre Dame. Not only are students of the Sante Fe Indian School able to enter into the competitive environment of college admissions, but students are also equipped with a knowledge to better understand the issues facing tribes in the Southwest to one day be able to return to these communities to contribute positively to the infrastructure that is necessary for continued growth.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1556 to allow Native American tribes the opportunity to continue to improve the educational programs and environment for these students. Native Americans should be afforded the opportunity to raise funds for their educational pursuits and become actively involved in the economic development and constructive use of their land.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 1556.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the House by Ms. Wanda Evans, one of his secretaries.

CLARIFICATION OF AUTHORITY GRANTED REGARDING DEFINING EXTERIOR BOUNDARY OF THE UINTAH AND OURAY INDIAN RESERVATION

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4027) to clarify authority granted under the Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4027

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

SECTION 1. CLARIFICATION OF AUTHORITY.

The Act entitled ''An Act to define the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah, and for other purposes'', approved March 11, 1948 (62 Stat. 72), as amended by the Act entitled ''An Act to amend the Act extending the exterior boundary of the Uintah and Ouray Indian Reservation in the State of Utah so as to authorize such State to exchange certain mineral lands for other lands mineral in character'' approved August 9, 1955, (69 Stat. 544), is further amended by adding at the end the following:

''SEC. 5. In order to further clarify authorizations under this Act, the State of Utah is hereby authorized to relinquish to the United States, for the benefit of the Ute Indian Tribe of the Uintah and Ouray Reservation, State school trust or other State-owned subsurface mineral lands located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and south of the border between Grand County, Utah, and Uintah County, Utah, and select in lieu of such relinquished lands, on an acre-for-acre basis, any subsurface mineral lands of the United States located beneath the surface estate delineated in Public Law 440 (approved March 11, 1948) and north of the border between Grand County, Utah, and Uintah County, Utah, subject to the following conditions:

''(1) RESERVATION BY UNITED STATES.—The Secretary of the Interior shall reserve an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 171 et seq) in any mineral lands conveyed to the State.

''(2) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the United States under paragraph (1) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the State as consideration for securing any lease or authorization to develop such mineral resources;

''(B) 50 percent of any rental or other payments received by the State as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(3) RESERVATION BY STATE OF UTAH.—The State of Utah shall reserve, for the benefit of its State school trust, an overriding interest in that portion of the mineral estate comprised of minerals subject to leasing under the Mineral Leasing Act (30 U.S.C. 181 et seq) in any mineral lands relinquished by the State to the United States.

''(4) EXTENT OF OVERRIDING INTEREST.—The overriding interest reserved by the State under paragraph (3) shall consist of—

''(A) 50 percent of any bonus bid or other payment received by the United States as consideration for securing any lease or authorization to develop such mineral resources on the relinquished lands;

''(B) 50 percent of any rental or other payments received by the United States as consideration for the lease or authorization to develop such mineral resources;

''(C) a 6.25 percent overriding royalty on the gross proceeds of oil and gas production under any lease or authorization to develop such oil and gas resources; and

''(D) an overriding royalty on the gross proceeds of production of such minerals other than oil and gas, equal to 50 percent of the royalty rate established by the Secretary of the Interior by regulation as of October 1, 2011.

''(5) NO OBLIGATION TO LEASE.—Neither the United States nor the State shall be obligated to lease or otherwise develop oil and gas resources in which the other party retains an overriding interest under this section.

''(6) COOPERATIVE AGREEMENTS.—The Secretary of the Interior is authorized to enter into cooperative agreements with the State and the Ute Indian Tribe of the Uintah and Ouray Reservation to facilitate the relinquishment and selection of lands to be conveyed under this section, and the administration of the overriding interests reserved hereunder.

''(7) TERMINATION.—The overriding interest reserved by the Secretary of the Interior under paragraph (1), and the overriding interest reserved by the State under paragraph (3), shall automatically terminate 30 years after the date of enactment of this section.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, H.R. 4027 is a bipartisan bill that would clarify the boundaries of the Uintah and Ouray Indian Reservation as passed by the Hill Creek Extension of 1948. The bill would authorize Utah's School and Industrial Trust Land Administration to relinquish to the Ute Indian Tribe its subsurface mineral rights in exchange for subsurface rights to an equal number of acres of other land owned by the Federal Government. The exchange would allow the school trust fund and the tribe to explore additional oil and gas development that will help support Utah education and create jobs for the tribe while preserving more culturally sensitive land for the tribe.

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

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

Mr. Speaker, H.R. 4027 clarifies existing law regarding the Federal Government's authority to permit land exchanges within the boundaries of the Ute Indian Reservation in northeastern Utah and resolves the tribe's split estate problem caused by Federal error over 50 years ago. This legislation returns the subsurface mineral estate to the Ute Tribe in a portion of its reservation that the tribe considers culturally and environmentally significant and thus preserves the area's pristine wilderness from development. The bill also benefits the State of Utah by opening up Federal minerals for development in an area of the tribe's reservation already being developed by the tribe's energy company.

Legislation that corrects a Federal error and satisfies both tribal and State interests, without cost to the Federal Government, does not come along very often. Mr. MATHESON is to be commended for his dedication in seeing this bill pass out of the House and for crafting a workable solution to a difficult problem.

I urge my colleagues to support H.R. 4027, and I reserve the balance of my time.

□ 1610

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

Mr. LUJÁN. Mr. Speaker, I yield such time as he may consume to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, I rise in support of H.R. 4027, a bill to authorize an acre-for-acre exchange of subsurface mineral lands within the Hill Creek Extension between the State of Utah and the United States on behalf of the Ute Tribe.

I really want to thank Chairman HASTINGS and his staff, and also subcommittee Chairman YOUNG and his staff, Ranking Member MARKEY and his staff, and Ranking Member BOREN and his staff for their support in moving this bill through the Natural Resources Committee. And I would also like to thank my colleague from Utah (Mr. BISHOP) who is a cosponsor of the bill.

In the transaction authorized in this bill, the tribe would acquire certain State minerals in Grand County, Utah, and in exchange, the BLM would relinquish certain Federal lands in Uintah County, Utah, to the State.

This bipartisan bill would give the Bureau of Land Management the authority to approve this transaction that was first proposed several years ago. In order to fully protect State and Federal interests, this legislation reserves identical overriding financial interests in each other's exchanged lands should development occur. Often in the past, these land exchanges had challenges with appraisals and making sure everyone is treated fairly. This legislation tries to address that issue looking forward.

This bill is a win/win. It helps the tribe consolidate its management of land that is considered sacred and culturally significant, and at the same time, it allows for domestic energy development on land not considered environmentally sensitive that would provide more school trust fund revenue for Utah and employment for energy workers in the State as well.

This legislation has broad support from local government, including Grand, Duchesne, and Uintah Counties, the State of Utah, and the Ute Tribe as well as partner agencies. The Wilderness Society also testified in support of this legislation.

So I urge my colleagues to join me in passing this bill.

Mr. HASTINGS of Washington. I'm prepared to yield back if the gentleman has no more requests for time.

Mr. LUJÁN. Mr. Speaker, we thank the gentleman from Utah for his hard work, and I yield back the balance of my time.

Mr. HASTINGS of Washington. I urge adoption, and I yield back the balance of my time.

Ms. RICHARDSON. Mr. Speaker, I rise in support of H.R. 4027, which redefines the boundary of the Ute Indian Tribe of the Uintah and Ouray Reservation. I thank my colleague, Congressman MATHESON, for introducing this legislation.

This bill will authorize Utah to relinquish certain subsurface mineral lands for the benefit of the Ute Indian Tribe. Native American tribes deserve the opportunity to benefit from the natural resources available on their land.

The bill concurrently protects the interests of Utah, by requiring the State to reserve an overriding interest in the portion of the mineral estate that is being relinquished. This portion of the mineral lands is to be reserved for the benefit of the school trust.

Mr. Speaker, as a member of the Native American Caucus, I am proud to work with my colleagues in the House to continue to protect the rights and interests of Native Americans around the country. As such, I urge my colleagues to join me in supporting H.R. 4027.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, H.R. 4027.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

LAND GRANT PATENT MODIFICATION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 404

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

SECTION 1. FINDINGS.

Congress finds that—

(1) pursuant to section 5505 of division A of the Omnibus Consolidated Appropriations Act, 1997 (Public Law 104–208; 110 Stat. 3009–516), the Secretary of the Interior, acting through the Bureau of Land Management, issued to the Great Lakes Shipwreck Historical Society located in Chippewa County of the State of Michigan United States Patent Number 61–98–0040 on September 23, 1998;

(2) United States Patent Number 61–98–0040 was recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan, on January 22, 1999, at Liber 757, on pages 115 through 118;

(3) in order to correct an error in United States Patent Number 61–98–0040, the Secretary issued a corrected patent, United States Patent Number 61–2000–0007, on March 10, 2000;

(4) after issuance of the corrected United States Patent Number 61–2000–0007, the original United States Patent Number 61–98–0040 was cancelled on the records of the Bureau of Land Management; and

(5) corrected United States Patent Number 61–2000–0007 should be modified in accordance with this Act—

(A) to effectuate—

(i) the Human Use/Natural Resource Plan for Whitefish Point, dated December 2002; and

(ii) the settlement agreement dated July 16, 2001, filed in Docket Number 2:00–CV–206 in the United States District Court for the Western District of Michigan; and

(B) to ensure a clear chain of title, recorded in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

SEC. 2. MODIFICATION OF LAND GRANT PATENT ISSUED BY SECRETARY OF THE INTERIOR.

(a) IN GENERAL.—The Secretary of the Interior shall modify the matter under the heading ''Subject Also to the Following Conditions'' of paragraph 6 of United States Patent Number 61–2000–0007 by striking ''Whitefish Point Comprehensive Plan of October 1992 or for a gift shop'' and inserting ''Human Use/Natural Resource Plan for Whitefish Point, dated December 2002''.

(b) EFFECT.—Each other term of the conveyance relating to the property that is the subject of United States Patent Number 61–2000–0007, including each obligation to maintain the property in accordance with the National Historic Preservation Act (16 U.S.C. 470 et seq.) and any other appropriate law (including regulations), and the obligation to use the property in a manner that does not impair or interfere with the conservation values of the property, shall remain in effect.

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The modification of United States Patent Number 61–2000–0007 in accordance with section 2 shall become effective on the date of the recording of the modification in the Office of the Register of Deeds of Chippewa County of the State of Michigan.

(b) ENDORSEMENT.—The Office of the Register of Deeds of Chippewa County of the State of Michigan is requested to endorse on the recorded copy of United States Patent Number 61–2000–0007 the fact that the Patent Number has been modified in accordance with this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 404 would simply modify a land patent that was issued by the Department of the Interior to the Great Lakes Shipwreck Historical Society in 1998 to reflect an agreement between the historical society, the Michigan Audubon Society, and the U.S. Fish & Wildlife Service.

The current land patent references an outdated 1992 Comprehensive Plan for Whitefish Point, a 43-acre spit of land surrounded by Lake Superior. The Michigan Audubon Society sued when this plan for development was proposed, and following a court-ordered settlement of the lawsuit, a new plan was negotiated in 2002. This bill would modify the land patent to appropriately reference the 2002 plan and finally allow for the development to go forward.

Congressman DAN BENISHEK, our colleague from Michigan, is the author of the companion House bill, H.R. 3411, and he should be commended for his commonsense approach to help manage this important tourism area in the Upper Peninsula of Michigan.

And with that, I reserve the balance of my time.

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

Mr. Speaker, S. 404 requires the Secretary of the Interior to modify a land grant patent in Chippewa County, Michigan. The patent, issued to the Michigan Audubon Society and the Great Lakes Shipwreck Historical Society, will be amended to allow for use and modification of the property to allow for new use plans.

We have no objection to this legislation, and I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I am very pleased to yield 3 minutes to the author of the companion bill in the House of this legislation, the gentleman from Michigan (Mr. BENISHEK).

Mr. BENISHEK. Mr. Speaker, this evening the House will take up Senate bill S. 404, a bill authored by my colleague in the Senate, Senator CARL LEVIN. As you heard, I authored a companion bill in the House last November.

This bill will end a bureaucratic roadblock that has prevented the Great Lakes Shipwreck Museum from making improvements to its facility located in Chippewa County, Michigan, along the southern shore of Lake Superior. Only an act of Congress is able to correct an error in the land patent that was enacted in 1992.

From the bell of the Edmund Fitzgerald to the U.S. Coast Guard's Whitefish Point Lighthouse, the shipwreck museum's exhibits tell the story of brave men and women who have navigated the Great Lakes for hundreds of years.

This facility displays important parts of Northern Michigan's history. Each year, some 60,000 individuals visit the museum and explore firsthand the rich maritime traditions of Michigan's First District. Preserving Michigan's maritime history is a resource that both Senator LEVIN and I agree warrants enthusiastic bipartisan support for the benefit of future generations of visitors.

I want to thank Chairman HASTINGS for bringing this bill to the floor today, and I encourage all of my colleagues to support this measure and bring it one step closer to the President's desk.

Mr. LUJÁN. Mr. Speaker, we have no other speakers, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of S. 404, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 404.

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. HASTINGS of Washington. 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.

ALTA, UTAH, CONVEYANCE ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 684) to provide for the conveyance of certain parcels of land in the town of Alta, Utah.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 684

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

SECTION 1. CONVEYANCE.

(a) DEFINITIONS.—In this Act:

(1) NATIONAL FOREST SYSTEM LAND.—The term ''National Forest System land'' means the parcels of National Forest System land that—

(A) are located—

(i) in sec. 5, T. 3 S., R. 3 E., Salt Lake meridian;

(ii) in, and adjacent to, parcels of land subject to special use permit SLC102708, the authority of which expires on December 30, 2026;

(iii) in the Wasatch-Cache National Forest in Salt Lake County, Utah; and

(iv) in the incorporated boundary of the town of Alta, Utah; and

(B) consist of approximately 2 acres (including appurtenances).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Agriculture.

(3) TOWN.—The term ''Town'' means the town of Alta, Utah.

(b) CONVEYANCE.—On the request of the Town submitted to the Secretary by the date that is not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the Town, without consideration, all right, title, and interest of the United States in and to the National Forest System land.

(c) SURVEY; COSTS.—

(1) IN GENERAL.—In accordance with paragraphs (2) and (3), the exact acreage and legal description of the National Forest System land shall be determined by a survey approved by the Secretary.

(2) MAXIMUM AREA.—The acreage of the National Forest System land determined under paragraph (1) may not exceed 2 acres.

(3) COSTS.—The Town shall pay the reasonable survey and other administrative costs associated with the conveyance.

(d) USE OF NATIONAL FOREST SYSTEM LAND.—As a condition of the conveyance under subsection (b), the Town shall use the National Forest System land only for public purposes.

(e) REVERSIONARY INTEREST.—In the deed to the Town, the Secretary shall provide that the National Forest System land shall revert to the Secretary, at the election of the Secretary based on the best interests of the United States, if the National Forest System land is used for a purpose other than a public purpose.

(f) ADDITIONAL TERMS AND CONDITIONS.—With respect to the conveyance under subsection (b), the Secretary may require such additional terms and conditions as the Secretary determines to be appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

GENERAL LEAVE

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

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

There was no objection.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 684, introduced by Senator MIKE LEE of Utah, would address a pressing issue in the town of Alta, Utah.

Alta is a small ski town that currently operates most of its municipal infrastructure on land managed by the Wasatch-Cache National Forest under a multitude of special use permits. This legislation would convey this land—a maximum of 2 acres—to the town to provide for certainty, simplicity, and flexibility in maintaining its facilities.

I urge my colleagues to support this commonsense bill, and I reserve the balance of my time.

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

Mr. Speaker, S. 684, sponsored by Senator MIKE LEE of Utah, provides for the conveyance of no more than 2 acres of land from the Wasatch-Cache National Forest to the town of Alta, Utah. The town of Alta has built two facilities for public use on this government property under a special use permit. The town will be paying for all survey costs.

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

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 684.

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. HASTINGS of Washington. 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.

EAST BENCH IRRIGATION DISTRICT WATER CONTRACT EXTENSION ACT

Mr. HASTINGS of Washington. Mr. Speaker, I move to suspend the rules and pass the bill (S. 997) to authorize the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 997

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 ''East Bench Irrigation District Water Contract Extension Act''.

SEC. 2. AUTHORITY TO EXTEND WATER CONTRACT.

The Secretary of the Interior may extend the contract for water services between the United States and the East Bench Irrigation District, numbered 14–06–600–3593, until the earlier of—

(1) the date that is 4 years after the date on which the contract would have expired if this Act had not been enacted; or

(2) the date on which a new long-term contract is executed by the parties to the contract.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Washington (Mr. HASTINGS) and the gentleman from New Mexico (Mr. LUJÁN) each will control 20 minutes.

The Chair recognizes the gentleman from Washington.

□ 1620

GENERAL LEAVE

Mr. HASTINGS of Washington. 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 Washington?

There was no objection.

Mr. HASTINGS of Washington. I yield myself such time as I may consume.

Mr. Speaker, S. 997, the East Bench Irrigation District Water Contract Extension Act, extends the water contract between the United States and the East Bench Irrigation District in southwestern Montana until December 31, 2013, or until a new contract can be executed.

This bill allows for the continued irrigation of 28,000 acres of land which is important to that area's economy. It also preserves the district's renewal rights while a local matter is adjudicated at the State level. The bill will not influence the outcome of State actions.

S. 997 is supported by our colleague from Montana, Congressman DENNIS REHBERG, and by the administration. I urge my colleagues to support this legislation, and I reserve the balance of my time.

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

Mr. Speaker, S. 997 was introduced by Senator JON TESTER in May of last year and passed the Senate in November 2011.

As my colleague mentioned, S. 997 would extend the East Bench Irrigation District's water contract for 4 years pending a judicial ruling. The administration has testified in support of S. 997 because it would allow for water service to the district to continue and allows for contract renewal while the court confirmation process is given time to be completed.

We thank Senator JON TESTER for his leadership, and we have no objections to this legislation.

I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I urge adoption of the legislation, and I yield back the balance of my time.

Mr. REHBERG. Mr. Speaker, I rise today in support of S. 997, the East Bench Irrigation District Water Contract Extension.

Water and energy are pretty important to Montana, and as you may know, I've spent a lot of time working with the House Water and Power Subcommittee over the years on these issues. This time, though, there's something a little different. There's just something cool about working on a bill that starts with "S" instead of "H.R."—I think I could get used to this!

I'm sure it's not lost on you that this legislation is sponsored by Senator JON TESTER, the Junior Senator from Montana. We're both Montanans and while there are certainly things we disagree about—President Obama's health reform and stimulus, protecting gun rights and government bailouts—even with all those differences, there are ways to find common ground.

An example of common ground is this legislation. S. 997 is a good idea, and it's one I hope my colleagues will vote in favor of.

The bill simply authorizes the Secretary of the Interior to extend a water contract between the United States and the East Bench Irrigation District in Beaverhead and Madison Counties in southwestern Montana. It has no impact on the federal budget.

The Clark Canyon Dam and Reservoir—owned and operated by the Bureau of Reclamation—supplies irrigation water for 28,000 acres within the East Bench Irrigation District.

The operation is bound by a contract between the federal government and the District—a contract that expired on December 31, 2005. Since then, federal appropriations acts have extended the original contract for two year durations. S. 997 extends it again through the end of 2013.

I realize this sort of congressional contract extension isn't common, but in cases where specific variables delay contract renewals, it's appropriate and necessary. In this case, the law requires Montana's 5th District Court to issue a decree before any new contract can be signed.

That decree has been delayed, so S. 997 provides the regional farmers and ranchers with necessary water certainty until at least 2014. Hopefully, by then, all parties will be ready to agree to a new long-term contract.

For dry land farmers and ranchers, water is our most precious resource. We have a lot of land—plenty of dirt between light bulbs—and our productivity is only constrained by our access to water. In Montana where we rely on water for drinking, irrigation, and energy.

It's vitally important we pass this bill to try to avoid needless disruptions in service. There is no conflict or objection to this "housekeeping" matter, and its importance to the many impacted farmers and ranchers cannot be over-emphasized. I have worked hard to extend the contract in the past and look forward to passing this critical legislation today. As I said, it's a good idea.

I'm here to do what's best for Montana, and a good idea is a good idea regardless of who gets credit. That's why I'm up here today.

This is a good bill, and I hope my colleagues will join me in voting in favor of its passage.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill, S. 997.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

□ 1630

EXPRESSING REGRET FOR PASSAGE OF LAWS ADVERSELY AFFECTING THE CHINESE IN THE UNITED STATES

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 683) expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 683

Whereas many Chinese came to the United States in the 19th and 20th centuries, as did people from other countries, in search of the opportunity to create a better life;

Whereas the United States ratified the Burlingame Treaty on October 19, 1868, which permitted the free movement of the Chinese people to, from, and within the United States and made China a ''most favored nation'';

Whereas in 1878, the House of Representatives passed a resolution requesting that President Rutherford B. Hayes renegotiate the Burlingame Treaty so Congress could limit Chinese immigration to the United States;

Whereas, on February 22, 1879, the House of Representatives passed the Fifteen Passenger Bill, which only permitted 15 Chinese passengers on any ship coming to the United States;

Whereas, on March 1, 1879, President Hayes vetoed the Fifteen Passenger Bill as being incompatible with the Burlingame Treaty;

Whereas, on May 9, 1881, the United States ratified the Angell Treaty, which allowed the United States to suspend, but not prohibit, immigration of Chinese laborers, declared that ''Chinese laborers who are now in the United States shall be allowed to go and come of their own free will,'' and reaffirmed

that Chinese persons possessed ''all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation'';

Whereas the House of Representatives passed legislation that adversely affected Chinese persons in the United States and limited their civil rights, including—

(1) on March 23, 1882, the first Chinese Exclusion bill, which excluded for 20 years skilled and unskilled Chinese laborers and expressly denied Chinese persons alone the right to be naturalized as American citizens, and which was opposed by President Chester A. Arthur as incompatible with the terms and spirit of the Angell Treaty;

(2) on April 17, 1882, intending to address President Arthur's concerns, the House passed a new Chinese Exclusion bill, which prohibited Chinese workers from entering the United States for 10 years instead of 20, required certain Chinese laborers already legally present in the United States who later wished to reenter the United States to obtain ''certificates of return,'' and prohibited courts from naturalizing Chinese individuals;

(3) on May 3, 1884, an expansion of the Chinese Exclusion Act, which applied it to all persons of Chinese descent, ''whether subjects of China or any other foreign power'';

(4) on September 3, 1888, the Scott Act, which prohibited legal Chinese laborers from reentering the United States and cancelled all previously issued ''certificates of return,'' and which was later determined by the Supreme Court to have abrogated the Angell Treaty; and

(5) on April 4, 1892, the Geary Act, which reauthorized the Chinese Exclusion Act for another ten years, denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus, and contrary to customary legal standards regarding the presumption of innocence, authorized the deportation of Chinese persons who could not produce a certificate of residence unless they could establish residence through the testimony of ''at least one credible white witness'';

Whereas in the 1894 Gresham-Yang Treaty, the Chinese government consented to a prohibition of Chinese immigration and the enforcement of the Geary Act in exchange for readmission to the United States of Chinese persons who were United States residents;

Whereas in 1898, the United States annexed Hawaii, took control of the Philippines, and excluded only the residents of Chinese ancestry of these territories from entering the United States mainland;

Whereas, on April 29, 1902, as the Geary Act was expiring, Congress indefinitely extended all laws regulating and restricting Chinese immigration and residence, to the extent consistent with Treaty commitments;

Whereas in 1904, after the Chinese government withdrew from the Gresham-Yang Treaty, Congress permanently extended, ''without modification, limitation, or condition,'' the prohibition on Chinese naturalization and immigration;

Whereas these Federal statutes enshrined in law the exclusion of the Chinese from the democratic process and the promise of American freedom;

Whereas in an attempt to undermine the American-Chinese alliance during World War II, enemy forces used the Chinese exclusion legislation passed in Congress as evidence of anti-Chinese attitudes in the United States;

Whereas in 1943, in furtherance of American war objectives, at the urging of President Franklin D. Roosevelt, Congress repealed previously enacted legislation and permitted Chinese persons to become United States citizens;

Whereas Chinese-Americans continue to play a significant role in the success of the United States; and

Whereas the United States was founded on the principle that all persons are created equal: Now, therefore, be it

Resolved,

SECTION 1. ACKNOWLEDGEMENT.

That the House of Representatives regrets the passage of legislation that adversely affected people of Chinese origin in the United States because of their ethnicity.

SEC. 2. DISCLAIMER.

Nothing in this resolution may be construed or relied on to authorize or support any claim, including but not limited to constitutionally based claims, claims for monetary compensation or claims for equitable relief against the United States or any other party, or serve as a settlement of any claim against the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on House Resolution 683 currently under consideration.

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

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I first want to thank the gentlewoman from California (Ms. CHU) for introducing H. Res. 683, expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.

I know, through conversations with several of my colleagues, including the ranking member of the Foreign Relations Committee, Mr. BERMAN, that this is an important resolution for them and their constituents.

The resolution concerns laws passed by the House of Representatives that restricted the civil rights of certain individuals in the United States based solely on the ethnicity of those individuals. Specifically, during the late 19th and early 20th centuries, Congress passed, and Presidents signed, laws that restricted the rights of people of Chinese ethnicity.

For instance, in March 1882, the House of Representatives passed the initial Chinese Exclusion Act that denied Chinese people the right to be naturalized as American citizens. And in April 1892, the House of Representatives passed the Geary Act, which reauthorized the Chinese Exclusion Act for 10 years and denied Chinese immigrants the right to be released on bail upon application for a writ of habeas corpus.

Laws that deny certain civil rights to individuals legally in the United States are inconsistent with the values on which this country was founded. I thank the gentlewoman from California for working with me to refine the text of this resolution.

I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of House Resolution 683. First, I want to thank Chairman LAMAR SMITH and Subcommittee Chair TRENT FRANKS of the Judiciary Committee for all their work on this resolution. I appreciate it so much.

We have come together across party lines to show that no matter what side of the aisle we sit on, Congress can make amends for the past, no matter how long ago those violations occurred. It is because we have worked together in a bipartisan way that we will make history today. Today, for the first time in 130 years, the House of Representatives will vote on a bill that expresses regret for the Chinese Exclusion Act of 1882, one of the most discriminatory acts in American history.

Over a century ago, the Chinese came here in search of a better life. During the California Gold Rush, the Chinese came to the United States to make something of themselves. Their blood, sweat, and tears built the first transcontinental railroad, connecting the people of our Nation. They opened our mines, constructed the levees, and became the backbone of farm production. Their efforts helped build America.

But as the economy soured in the 1870s, the Chinese became scapegoats. They were called racial slurs, were spat upon in the streets, and even brutally murdered. The harsh conditions they faced were evident in the Halls of Congress.

By the time 1882 came around, Members of Congress were competing with each other to get the most discriminatory law passed and routinely made speeches on the House floor against the so-called ''Mongolian horde.'' Representative Albert Shelby Willis from Kentucky fought particularly hard for a Chinese Exclusion Act. In his floor speech, he said the Chinese were an invading race. He called them aliens with sordid and unrepublican habits. He declared that the Pacific States had been cursed with the evils of Chinese immigration and that they disturbed the peace and order of society.

□ 1640

The official House committee report accompanying the bill claimed that the Chinese ''retain their distinctive peculiarities and characteristics, refusing to assimilate themselves to our institutions and remaining a separate and distinct class, entrenched behind immovable prejudices; that their ignorance or disregard of sanitary laws, as evidenced in their habits of life, breeds disease, pestilence and death.''

So on April 17, 1882, under a simple suspension of the rules, the House

passed the Chinese Exclusion Act. It prevented them from becoming naturalized citizens. It prevented them from ever having the right to vote. It also prevented the Chinese—and the Chinese alone—from immigrating.

But this was only the beginning.

As the years passed, the House built upon this act, increasing the discriminatory restrictions on the Chinese. Two years later, the House made clear that any ethnically Chinese laborer, even if he were not from China but from somewhere like Hong Kong or the Philippines, was banned from U.S. shores.

Four years later, the House passed the Scott Act. This bill prohibited all Chinese laborers from reentering the United States, if they ever left, even if they were legal residents in the U.S. and even if they had the certificates of return that should have guaranteed their right of return. This prevented approximately 20,000 legal U.S. residents who had gone abroad, including 600 on ships who were literally en route back to the United States, from returning to their families or their homes. With little floor debate, the Scott Act passed the House unanimously.

In 1892, when the Chinese Exclusion Act was set to expire, the House extended it for another decade, but it increased restrictions further. It made the Chinese the only residents who could not receive bail after applying for a writ of habeas corpus, that being to protest an unjust imprisonment. It made them the only people in America who had to carry papers, or certificates of residence, with them at all times. If they couldn't produce the proper documents, authorities threw them into prison or out of the country regardless of whether they were U.S. citizens or not. Legally, the only means by which this could be stopped is if a white person testified on their behalf.

In 1898, the U.S. annexed Hawaii and the Philippines, making them U.S. Territories; and while other residents of the territories could come and go between their homes and the U.S., who did the House make sure to exclude? Only the Chinese.

Then, in 1904, the House made the Chinese Exclusion Act permanent. This act lasted for 60 long years. It was not until 1943 that this law was repealed, but it was only because of World War II, when the United States needed to maintain a critical military alliance with China. U.S. enemies were pointing to the Chinese Exclusion Act as proof that the U.S. was anti-Chinese, and the U.S. had to erase that perception. However, Congress made no formal acknowledgment that these laws were wrong. The Chinese Exclusion Act was the first and only Federal law in our history that excluded a single group of people from immigration on no basis other than its race, and the effects of this act produced deep scars on the Chinese American community.

Families were split apart permanently without the ability to naturalize as citizens and to vote. The community was disenfranchised. Because immigration had been so severely restricted, few women could come, and the ratio of males to females was as high as 20–1. Many Chinese American males could not have families and were forced to die completely alone. If they did try to marry, they were forced to go abroad, and families were separated.

The family of Jean Quan, mayor of Oakland, had been here legally since 1880. Her father went abroad to marry a woman in China in 1920, but had to leave her behind along with her children. When the Chinese Exclusion Act was repealed over 25 years later, his wife was finally able to come and have Jean in the United States, but the siblings did not know each other for decades.

The Chinese, like my grandfather, did not have the legal right to become naturalized citizens. He had been here legally since 1904, but unlike non-Chinese immigrants, he was forced to register and carry a certificate of residence at all times for almost 40 years or else be deported. He could only be saved if a white person vouched for him. These laws are why we ask for this expression of regret.

Last October, the U.S. Senate did its part to right history by passing its own resolution of regret for these hateful laws. It did so unanimously with bipartisan support. Today, the House should also issue its expression of regret. It is for my grandfather and for all Chinese Americans that we must pass this resolution, for those who were told for six decades by the U.S. Government that the land of the free wasn't open to them. We must finally and formally acknowledge these ugly laws that were incompatible with America's founding principles.

We must express the sincere regret that Chinese Americans deserve. By doing so, we will acknowledge that discrimination has no place in our society, and we will reaffirm our strong commitment to preserving the civil rights and constitutional protections for all people of every color, ever race, and from every background.

I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we have no other speakers on this side, so I reserve the balance of my time.

Ms. CHU. I yield 3 minutes to the gentleman from California, Representative MIKE HONDA.

Mr. HONDA. I, too, would like to add my thanks to the leadership, specifically to Chairman LAMAR SMITH.

Mr. Speaker, I rise today in support of H. Res. 683, a resolution expressing the regret of the House of Representatives for the passage of laws that adversely affected the Chinese in the United States, including the passage of the Chinese Exclusion Act.

A century and a half ago, the Chinese were used as cheap labor to do the most dangerous work—laying the tracks of our transcontinental railway and building the California delta levees. They strengthened our Nation's infrastructure only to be persecuted when their labor was seen as competition and when the dirtiest work was done.

In 1848, when gold fever spread across the Pacific Ocean, many thousands of young Chinese came in boats to Gold Mountain, to California.

In 1861 to 1865, there was waged a Civil War in this country. There were over 50 Chinese Americans who battled each other in this Civil War, a battle which went unnoticed.

In 1863, the construction of the transcontinental railway commenced. With the discovery of silver in Nevada in 1865, many of the white workers left the railroad to search for silver. To fill the labor shortage, Charles Crocker, one of the big four investors of the railroad and the man responsible for constructing the western portion of the railroad, began hiring Chinese immigrants. Crocker's famous justification was, They built the Great Wall of China, didn't they?

For the promise of $25 to $30 a month, the new workers endured long hours and harsh winters in the Sierra Nevada Mountains. While working in the Sierras, Chinese workers were hung in baskets, which were 2,000 feet above raging rivers, in order to blast into the impenetrable granite mountain, making way for laying the tracks. Once they bored holes and stuffed them with dynamite, they had to be pulled back up before the fuse exploded, endangering the lives of everyone on both ends of the rope; and sometimes these poor souls in the baskets were not drawn up safely because there was no faith in the timing of the fuse—hence the origin of the phrase: you ain't got a Chinaman's chance. By 1867, 90 percent of the workers were Chinese; and by 1869, over 11,000 workers were Chinese.

On the national historic site of the Golden Spike at Promontory, Utah, where on May 10, 1869, the final spike was driven, sits a plaque commemorating ''the attainment and achievement of the great political objective of binding together by iron bonds the extremities of the continental United States, a rail link from ocean to ocean.'' However, neither in Thomas Hill's famous painting nor in the historical photos of ''The Last Spike'' are the faces of the 11,000 Chinese workers visible.

One wonders, where were these 11,000 workers? Perhaps they were given the day off on that day.

Though absent in these visual, historical depictions, the Chinese left an undeniable and indelible mark on the history of California and in the larger story of binding this country from ocean to ocean. Upon the railroad completion, the Chinese settled in the California delta to help with the levee construction, thus advancing California's agricultural development.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CHU. I yield one more minute to the gentleman from California.

Mr. HONDA. The passage of anti-Chinese laws illustrates the xenophobic hysteria of this country's shameful chapter of exclusion. We cannot vilify entire groups of people—we learned that—because it is politically or economically expedient.

□ 1650

The great thing about humanity is that we have the opportunity to learn from our mistakes.

In closing, Mr. Speaker, I'm pleased that this resolution is on the floor today. Acknowledging and addressing these injustices throughout our Nation's history not only strengthens civil rights and civil justice, but doing so brings us closer to a more educated Nation and a more perfect union.

Ms. CHU. Mr. Speaker, I yield 5 minutes to the gentleman from American Samoa, Representative ENI FALEOMAVAEGA.

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

Mr. FALEOMAVAEGA. Mr. Speaker, I want to thank the gentleman from Texas, the chairman of the Judiciary Committee, Mr. LAMAR SMITH, for his leadership and support of this legislation, as well as my good friend, Congressman CONYERS, the ranking member of the Judiciary Committee for his support. I especially want to express my appreciation and thanks to the chairwoman of our congressional Asian Pacific Caucus, Ms. JUDY CHU, not only as the chief sponsor of this legislation but for her dynamic leadership in bringing this bill to the floor today.

Mr. Speaker, I rise in support of House Resolution 683, a resolution of regret for the Chinese Exclusion Act of 1882. The Chinese Exclusion Act was the first major law restricting immigration to the United States to enforce a 10-year moratorium on Chinese immigrant laborers and denying naturalization to those who were already in the United States. Enacted on the premise that Chinese labors ''endangered the good order of certain localities,'' the law was largely motivated by economic fears by our fellow Americans who felt that Chinese laborers were to blame for unemployment and the declining wages in the West.

Through the Geary Act of 1892, the Chinese Exclusion Act was extended for another 10 years before becoming permanent in 1902, and it was only repealed by the Magnuson Act of 1943, when China became an ally of the United States during World War II. Even then, the new law only allowed 105 Chinese immigrants per year, a much lower quota than immigrant quotas from other countries and regions of the world. Large-scale Chinese immigration was only finally allowed again with the Immigration Act of 1965, some 80 years after the Chinese Exclusion Act.

Like their counterparts from European countries, Chinese immigrants in the 19th century came to the United States in search of opportunities for a better life. Since the first wave of Chinese immigrants to the United States, the Chinese American community has contributed greatly to the development of our Nation, and it is a shame that these discriminatory practices and fear-based laws split up Chinese families and prevented them for decades from pursuing the American Dream. For example, Chinese laborers made up the majority of the Central Pacific railroad network workforce that connected the First Transcontinental Railroad through the Sierra Mountains into the Western States. Of course, that final spike was done in the State of Utah. The completion of the railroad—with the help of these Chinese laborers—would later mobilize other industries and pave the way for a more connected and prosperous America.

But the Chinese Exclusion Act, Mr. Speaker—the first law restricting entry of an ethnic working group—stifled Chinese immigrants' ability to lend their skills to the betterment of our Nation and become a part of the American family.

Because this law was validated by leaders in our Nation, it gave credence to the underlying notion that certain groups did not deserve fair treatment in our Nation. The policy sent a clear message that Chinese immigrants were not qualified for the American Dream. Furthermore, it set a precedent for later policies against immigrant groups such as the National Origins Act of 1929, which barred Asian immigration, and our shameful policy of interning some 100,000 Americans born in the United States but who happened to be of Japanese ancestry.

This is one reason why I always admired our Nation, Mr. Speaker, and our form of democracy, and that is, it tries to correct its mistakes from the past. While our Nation has come a long way since this legislation was enacted 130 years ago, let us continually be reminded in our diverse country to uphold the founding principle of our Nation: that all men and women are to be treated equally and fairly under the law.

With that, I urge my colleagues to pass this bill.

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

Today is historic. This is a very significant day in the Chinese American community. It is an expression that discrimination has no place in our society and that the promise of equality is available to all.

This is only the fourth such apology in the last 25 years. In 1988, President Reagan signed the bill apologizing for the Japanese American interment during World War II. In 1993, Congress apologized to Hawaiians for the U.S.-led overthrow of their monarchy. In 2008, the House issued an apology to African Americans on behalf of the people of the United States for the wrongs committed against them and their ancestors who suffered under slavery and Jim Crow.

This bill was a huge undertaking, requiring the efforts of Chinese Americans and their supporters all across the Nation. Without the dedication of countless community organizations and grassroots advocates across the country, none of this would have happened.

I thank them, and I thank all the Congress Members from both sides of the aisle, including the 50 cosponsors of the bill and especially Chairman LAMAR SMITH, for their support.

With that, I yield back the balance of my time.

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

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 683, which expresses regret for a series of discriminatory laws passed between 1879 and 1904 that targeted individuals of Chinese descent in the United States, and yield myself as much time as I may consume.

I'd like to begin by thanking the gentlelady from California, Ms. CHU, for her leadership on this bipartisan resolution. To my friend, the Chairman of the Judiciary Committee, Mr. SMITH, thank you for your work on this resolution and for bringing it to the floor so quickly.

Beginning in 1879, Congress passed a series of discriminatory measures against the Chinese that restricted immigration and violated the civil rights of the Chinese living in the U.S.

At the height of Chinese immigration to the U.S. in the 19th and 20th centuries, many Chinese—like immigrants from other parts of the world—were searching for the opportunity to create a better life, driven by their hope that America could be their new promised land.

With the enactment of multiple Chinese Exclusion Acts, immigrants from China were denied the right to be naturalized as American citizens.

Six decades of anti-Chinese legislation resulted in the persecution and political alienation of persons of Chinese descent and legitimized racial discrimination, excluding them both from the democratic process and the American promise of freedom.

Chinese-Americans have since achieved prominence in all walks of American life. Though we may not be able to reverse the past, we can take action now.

By acknowledging and expressing regret for this bleak period in our history, we reaffirm our core principles of equality and justice upon which our country was founded.

Mr. Speaker, H. Res. 683 is an important demonstration of our bipartisan commitment to recognize the continued contributions of the Chinese-American community in the United States, and I urge my colleagues to support it.

Ms. JACKSON LEE of Texas. Mr. Speaker, I rise today in support of H. Res. 683, ''Expressing the regret of the House of Representatives for the passages of laws that adversely affected the Chinese in the United States, including the Chinese Exclusion Act.'' This resolution acknowledges the historical injustices against Chinese Americans, as reflected by a series of laws; however, with a particular emphasis on the Chinese Exclusion Act that which was first passed on March 23, 1882.

One hundred thirty years after the passage of the Chinese Exclusion Act and other such measures unjustly targeting individuals in the U.S. with Chinese heritage, it is necessary for

Congress to take steps to right the wrongs that were placed on thousands of people by recognizing that discriminatory laws were passed that had a harmful effect on persons of Chinese decent here in the United States.

Just last year, I congratulated the Chinese American Citizens Alliance in Houston, Texas during their momentous 51st Biennial National Convention. This historical and highly respected organization was founded in response to the repressive 1882 Chinese Exclusion Act and other Federal and State laws that aimed to restrict and ostracize. This celebration highlights the organization's 116 years as the oldest Asian American civil rights organization, consciously commemorating its courageous founders by continuing to pioneer a pragmatic future.

Securing equal economic and political support, cultivating minds through the exchange of knowledge, defending American citizenship, and observing the practice of the principles of brotherly love and mutual help, are a few of this organizations highly beneficial practices.

These goals are achieved by the organization's eighteen affiliated chapters being highly decorated with individuals of significant achievement; including leaders in the legal, medical, educational, scientific, arts and literature as well as corporate, business, and entrepreneurial endeavors. These endeavors are also supported by Members of Congress who recognize the important contributions of Chinese Americans. Legislation like the one before us today serve as reminders of how important it is not to remember our past so that we do not repeat it.

The United States has always been a place where people from diverse backgrounds arrive in hopes of attaining better opportunity, seeking refuge to escape prosecution and provide a more fruitful lifestyle for their families, likewise in the 19th and 20th century many Chinese came to the United States for similar reasons, unfortunately they were not treated favorably.

With the passage of legislation that limited Chinese immigration such as the renegotiation of the Burlingame Treaty and the Fifteen Passenger Bill which only permitted 15 Chinese passengers on any ship coming to the United States, the Chinese in this country were directly affected by unequal treatment.

On a personal level I can relate to the plight of many Chinese Americans as they fought to be accepted in the United States. I am well aware of the United State's history of discrimination and the harmful impact such discrimination has upon our society as a whole. It is my belief that no one should be forced to endure inequality on the basis of their race, class, gender or religious belief.

It is necessary that measures are constantly taken to ensure that our past failures are acknowledged and not repeated. H.R. 683 demonstrates the regret felt by the House of Representatives for the passages of laws that targeted people of Chinese origin solely based upon their ethnicity.

The passage of this bill will make clear that we do not support those actions today. It is essential that we continue to aim for cultural acceptance and embrace the differences that make up the diversity of this country that sets us apart from any other nation.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and agree to the resolution, House Resolution 683.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

COUNTERFEIT DRUG PENALTY ENHANCEMENT ACT OF 2012

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3668) to prevent trafficking in counterfeit drugs, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3668

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 ''Counterfeit Drug Penalty Enhancement Act of 2012''.

SEC. 2. COUNTERFEIT DRUG PENALTY ENHANCEMENT.

(a) OFFENSE.—Section 2320(a) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (2);

(2) by inserting ''or'' at the end of paragraph (3);

(3) by inserting after paragraph (3) the following:

''(4) traffics in a counterfeit drug,''; and

(4) by striking ''through (3)'' and inserting ''through (4)''.

(b) PENALTIES.—Section 2320(b)(3) of title 18, United States Code, is amended—

(1) in the heading, by inserting ''AND COUNTERFEIT DRUGS'' after ''SERVICES''; and

(2) by inserting ''or counterfeit drug'' after ''service''.

(c) DEFINITION.—Section 2320(f) of title 18, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (4);

(2) by striking the period at the end of paragraph (5) and inserting ''; and''; and

(3) by adding at the end the following:

''(6) the term 'counterfeit drug' means a drug, as defined by section 201 of the Federal Food, Drug, and Cosmetic Act, that uses a counterfeit mark on or in connection with the drug.''.

(d) PRIORITY GIVEN TO CERTAIN INVESTIGATIONS AND PROSECUTIONS.—The Attorney General shall give increased priority to efforts to investigate and prosecute offenses under section 2320 of title 18, United States Code, that involve counterfeit drugs.

SEC. 3. SENTENCING COMMISSION DIRECTIVE.

(a) DIRECTIVE TO SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and amend, if appropriate, its guidelines and its policy statements applicable to persons convicted of an offense described in section 2320(a)(4) of title 18, United States Code, as amended by section 2, in order to reflect the intent of Congress that such penalties be increased in comparison to those currently provided by the guidelines and policy statements.

(b) REQUIREMENTS.—In carrying out this section, the Commission shall—

(1) ensure that the sentencing guidelines and policy statements reflect the intent of Congress that the guidelines and policy statements reflect the serious nature of the offenses described in subsection (a) and the need for an effective deterrent and appropriate punishment to prevent such offenses;

(2) consider the extent to which the guidelines may or may not appropriately account for the potential and actual harm to the public resulting from the offense;

(3) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(4) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(5) make any necessary conforming changes to the sentencing guidelines; and

(6) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentlewoman from California (Ms. CHU) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. SMITH of Texas. 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 Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank Mr. MEEHAN of Pennsylvania and Ms. LINDA SÁNCHEZ of California for their work on this issue. This is a bipartisan, bicameral bill. Similar legislation sponsored by Senator LEAHY was approved by the Senate last March by voice vote.

This bill enacts penalties for trafficking in counterfeit drugs similar to those for trafficking in military goods and services, as established in the National Defense Authorization Act, which Congress passed last December.

Counterfeit military goods affect the credibility of the supply chains that support our national defense, and counterfeit drugs call into doubt the credibility of America's pharmaceutical legal drug supply. In both situations, the significant and multiple dangers to the public demand enhanced penalties.

Counterfeit drugs are fake drugs. They may be contaminated, contain the wrong ingredient or no ingredient at all, or have the right active ingredient but the wrong dose. They are intentionally packaged to convince the consumer they are genuine. Counterfeit drugs are illegal and can be harmful to a person's health and even deadly.

□ 1700

Counterfeit drugs present not only a financial loss to the manufacturer or mark holder, but also a real health risk to consumers.

While current law technically includes counterfeit drugs, the law does

not expressly prohibit trafficking in counterfeit drugs and carries a maximum penalty of only 10 years.

Late last month, the U.S. Food and Drug Administration warned consumers and health care professionals about a counterfeit version of Adderall that is available for sale on the Internet. Approved for treatment of attention deficit hyperactivity disorders, this medication is a prescription drug classified as a controlled substance, a class of drugs for which special controls are required for dispensing by pharmacists. The FDA's preliminary laboratory test revealed that the counterfeit version of this drug contained the wrong active ingredients. The counterfeit product contained none of the four active ingredients found in the genuine medication. In fact, it contained two different drugs found in medicines used to treat acute pain.

Rogue Web sites and corrupt distributors now prey on the fears of Americans when medicines are in short supply. Drug shortages have increased in frequency and severity in recent years and adversely affect patient care. An unfortunate and potentially deadly side effect of drug shortages is counterfeit drug trafficking.

Last February, the FDA warned health care professionals and patients about a counterfeit version of Avastin, a cancer treatment. Tests revealed the counterfeit version did not contain the medicine's active ingredient. This may have resulted in patients not receiving needed cancer therapy. Several medical practices in the United States may have purchased the counterfeit drug from a foreign supplier. The FDA requested that the medical practices stop the use of any remaining products from this supplier. Unfortunately, in this case alone, there were dozens of cancer patients who may never know that they did not receive lifesaving cancer drugs. Instead, they got a useless counterfeit drug, a drug counterfeited and sold only for the purpose of financial gain. These recent situations prove that those who traffic in counterfeit drugs should be subject to enhanced penalties.

I urge my colleagues to support this bicameral legislation, and I reserve the balance of my time.

Ms. CHU. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, H.R. 3668, the Counterfeit Drug Penalty Enhancement Act of 2012, would increase the maximum criminal penalties for trafficking in counterfeit drugs. Counterfeit drugs are a serious public threat to all Americans for several reasons.

To begin with, a person who unknowingly consumes a counterfeit medication may be harmed by dangerous but undisclosed substances in the drug. As a Food and Drug Administration representative testified at a hearing before the Judiciary Committee's Crime Subcommittee, ''a counterfeit drug could be made using ingredients that are toxic to patients and processed under poorly controlled and unsanitary conditions.''

Also, an individual who consumes a counterfeit drug is deprived of meaningful treatment that can respond to life-threatening illnesses. Consider, for example, a patient suffering from a heart ailment or a child who is desperately fighting an aggressive life-threatening infection. The consequences of consuming an ineffective counterfeit drug are blatantly obvious.

By receiving these counterfeit drugs instead of the real medications that they require, each of these individuals would be denied receiving the effective treatment that they must quickly be given in order to address their illnesses.

Finally, the proliferation of counterfeit drugs poses a grave nationwide risk to the public health and safety of all of our citizens. Current technology and distribution channels present the real danger that a very large quantity of these counterfeit drugs could enter into the marketplace where they can injure and possibly risk the lives of many Americans before they are even detected.

The Food and Drug Administration is working with medical product supply chain stakeholders to respond to this emerging threat, but we need to do more. It is critically important for us to reinforce our criminal law so that it clearly addresses the national menace presented by large-scale, intentional trafficking in counterfeit drugs.

Under current law, trafficking in counterfeit drugs receives the same criminal penalty as trafficking in other less dangerous items. This shortcoming in current law explains why the U.S. Intellectual Property Enforcement Coordinator supports H.R. 3668, as stated in her recent annual report to Congress.

This bill not only appropriately recognizes the need to treat crimes involving counterfeit medications more seriously, but also requires the Justice Department to prioritize its investigatory and prosecutorial efforts with respect to these crimes.

I am particularly pleased that during the Judiciary Committee's markup of the bill, an amendment offered by my colleague, Congressman BOBBY SCOTT, was adopted that would direct the Attorney General to give increased priority to efforts to investigate and prosecute these offenses.

As amended, this measure appropriately recognizes that, while penalty increases may be warranted, effective deterrence depends mostly on the likelihood of apprehension and conviction of offenders.

I commend the efforts of my colleagues, Congressman PATRICK MEEHAN and Congresswoman LINDA SÁNCHEZ, for introducing this important legislation.

I urge my colleagues to support H.R. 3668, and I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN), who is the sponsor of this legislation.

Mr. MEEHAN. I thank the chairman.

Mr. Speaker, I rise today in support of H.R. 3668, the Counterfeit Drug Penalty Enhancement Act.

I want to thank the distinguished gentleman from Texas for his leadership on this issue on the Judiciary Committee, and I also want to thank my colleagues from the other side of the aisle as we rise in a truly bipartisan, bicameral fashion in working for the passage of this very important legislation. So I appreciate the kind remarks of the gentlelady from California in support of this bill as well.

Like so many other health care costs, prescription drugs are expensive, and the cost is rising. So what we are beginning to see increasingly is people going online to make the purchases of those drugs. It's an issue that I saw firsthand as a Federal prosecutor who began to work on the proliferation of illegal drug sales over the Internet. Oftentimes, the people who are purchasing these are senior citizens.

Online, there are not the kinds of protections that would exist traditionally as there are in a pharmacy setting where, not only do you have the ability to have the advice of a pharmacist, but the certainty of the chain of custody, so to speak, for the drugs that have been traveling in commerce.

What we are finding is that close to 90 percent of counterfeit drugs are sold online. And we're not just talking about mislabeled pills here. The fakes could actually contain no active ingredients, the wrong active ingredient, or even a contaminant.

The counterfeit medicines pose a threat because of the conditions under which they are manufactured, often in unregulated locations and frequently under unsanitary conditions. In many instances, they contain none of the active pharmaceutical ingredients found in the authentic medicine or are in incorrect doses. In others, they may contain toxic ingredients, such as heavy metals, arsenic, pesticides, rat poison, brick dust, floor wax, and even leaded highway paint. In a worst-case scenario, the medicine itself is a fake, and the result of the counterfeit sale is harm to the patient's health and safety.

And while all types of drugs are counterfeited, what's of particular concern to me is the illicit market in significant drugs, cancer drugs, like Avastin and Altuzan; ADHD drugs, like Adderall; and pain treatments, like Vicodin.

This is an economic harm. Estimates are that there are $75 billion worth of counterfeit drug sales annually. But it's not just the economic harm that is of the greatest concern to me; it is the consumer safety associated with this.

The World Health Organization, in their estimates, predicted or believed that counterfeit drugs caused 100,000 deaths worldwide last year. This is an

issue of such importance, it even captured the attention of the world governments, with the G–8 leaders at Camp David issuing a declaration on the need to address this international crisis.

Today it's illegal to introduce counterfeit drugs into interstate commerce, but the penalties are no different than those assessed for trafficking other counterfeit products, such as movies or fashion products like purses.

□ 1710

That's why our bill seeks to have sentencing laws reflect the seriousness of the crime. The bill increases fines to a maximum of $4 million for the first offense and $8 million for subsequent offenses, and prison terms for a maximum of 10 to 20 years. This is an overdue and needed change—and I can say that as a prosecutor.

I would like to thank Congresswoman SÁNCHEZ for her leadership on this issue. I want to thank my colleague from Pennsylvania, Congressman TOM MARINO, for his hard work on the Judiciary Committee, working with Chairman SMITH on this issue. And I want to thank the Members in both parties that should be recognized for bringing this critical measure to the floor so expeditiously.

I encourage my colleagues on both sides of the aisle to lend their support for this very important legislation.

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

Mr. SMITH of Texas. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 3668, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO NORTH KOREA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–113)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the national emergency declared in Executive Order 13466 of June 26, 2008, expanded in scope in Executive Order 13551 of August 30, 2010, and addressed further in Executive Order 13570 of April 18, 2011, is to continue in effect beyond June 26, 2012.

The existence and risk of proliferation of weapons-usable fissile material on the Korean Peninsula, and the actions and policies of the Government of North Korea that destabilize the Korean Peninsula and imperil U.S. Armed Forces, allies, and trading partners in the region continue to constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. For these reasons, I have determined that it is necessary to continue the national emergency with respect to these threats and maintain in force the measures taken to deal with that national emergency.

BARACK OBAMA.
THE WHITE HOUSE, *June 18, 2012*.

CONTINUATION OF THE NATIONAL EMERGENCY WITH RESPECT TO THE RISK OF NUCLEAR PROLIFERATION CREATED BY THE ACCUMULATION OF WEAPONS-USABLE FISSILE MATERIAL IN THE TERRITORY OF THE RUSSIAN FEDERATION—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 112–114)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed:

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, within 90 days prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice stating that the emergency declared in Executive Order 13159 of June 21, 2000, with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation is to continue beyond June 21, 2012.

It remains a major national security goal of the United States to ensure that fissile material removed from Russian nuclear weapons pursuant to various arms control and disarmament agreements is dedicated to peaceful uses, subject to transparency measures, and protected from diversion to activities of proliferation concern. The accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to continue the national emergency declared with respect to the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation and maintain in force these emergency authorities to respond to this threat.

BARACK OBAMA.
THE WHITE HOUSE, *June 18, 2012*.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 5 o'clock and 10 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Ms. FOXX) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

S. 684, by the yeas and nays;

S. 404, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote.

ALTA, UTAH, CONVEYANCE ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 684) to provide for the conveyance of certain parcels of land to the town of Alta, Utah.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 383, nays 3, not voting 45, as follows:

[Roll No. 379]

YEAS—383

Adams	Akin	Altmire
Aderholt	Alexander	Amash

Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chandler
Chu
Cicilline
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dicks
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Fortenberry
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Lee (CA)
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Lucas
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel
Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tipton
Tonko
Tsongas
Turner (NY)
Turner (OH)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NAYS—3

Brooks
Griffith (VA)
Woodall

NOT VOTING—45

Ackerman
Austria
Berkley
Blumenauer
Buerkle
Butterfield
Campbell
Carter
Coble
Davis (KY)
Donnelly (IN)
Flores
Fudge
Gingrey (GA)
Gohmert
Griffin (AR)
Gutierrez
Harper
Hartzler
Israel
Jackson (IL)
Johnson (IL)
Lewis (CA)
Lowey
Marchant
McCarthy (NY)
Miller (FL)
Murphy (CT)
Owens
Pelosi
Roe (TN)
Rohrabacher
Rokita
Ross (AR)
Rush
Sánchez, Linda T.
Schilling
Scott (VA)
Speier
Thompson (MS)
Tiberi
Tierney
Towns
Wasserman Schultz
Young (FL)

□ 1854

Messrs. GRAVES of Missouri, McDERMOTT, AMASH and POE of Texas changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HARPER. Madam Speaker, on rollcall No. 379 I was unavoidably detained. Had I been present, I would have voted "yea."

LAND GRANT PATENT MODIFICATION ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (S. 404) to modify a land grant patent issued by the Secretary of the Interior, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Washington (Mr. HASTINGS) that the House suspend the rules and pass the bill.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 51, as follows:

[Roll No. 380]

YEAS—380

Adams
Aderholt
Akin
Alexander
Altmire
Amash
Amodei
Andrews
Baca
Bachmann
Bachus
Baldwin
Barletta
Barrow
Bartlett
Barton (TX)
Bass (CA)
Bass (NH)
Becerra
Benishek
Berg
Berman
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Bonamici
Bonner
Bono Mack
Boren
Boswell
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Brooks
Broun (GA)
Brown (FL)
Buchanan
Bucshon
Burgess
Burton (IN)
Calvert
Camp
Canseco
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson (IN)
Cassidy
Castor (FL)
Chabot
Chaffetz
Chu
Clarke (MI)
Clarke (NY)
Clay
Cleaver
Clyburn
Coffman (CO)
Cohen
Cole
Conaway
Connolly (VA)
Conyers
Cooper
Costa
Costello
Courtney
Cravaack
Crawford
Crenshaw
Critz
Crowley
Cuellar
Culberson
Cummings
Davis (CA)
Davis (IL)
DeFazio
DeGette
DeLauro
Denham
Dent
DesJarlais
Deutch
Diaz-Balart
Dingell
Doggett
Dold
Doyle
Dreier
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Emerson
Engel
Eshoo
Farenthold
Farr
Fattah
Filner
Fincher
Fitzpatrick
Flake
Fleischmann
Fleming
Forbes
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garamendi
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gonzalez
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Graves (MO)
Green, Al
Green, Gene
Griffith (VA)
Grijalva
Grimm
Guinta
Guthrie
Hahn
Hall
Hanabusa
Hanna
Harper
Harris
Hastings (FL)
Hastings (WA)
Hayworth
Heck
Heinrich
Hensarling
Herger
Herrera Beutler
Higgins
Himes
Hinchey
Hinojosa
Hirono
Hochul
Holden
Holt
Honda
Hoyer
Huelskamp
Huizenga (MI)
Hultgren
Hunter
Hurt
Issa
Jackson Lee (TX)
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jones
Jordan
Kaptur
Keating
Kelly
Kildee
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kissell
Kline
Kucinich
Labrador
Lamborn
Lance
Landry
Langevin
Lankford
Larsen (WA)
Larson (CT)
Latham
LaTourette
Latta
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Long
Luetkemeyer
Luján
Lummis
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marino
Markey
Matheson
Matsui
McCarthy (CA)
McCaul
McClintock
McCollum
McCotter
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meehan
Meeks
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore
Moran
Mulvaney
Murphy (PA)
Myrick
Nadler
Napolitano
Neal
Neugebauer
Noem
Nugent
Nunes
Nunnelee
Olson
Olver
Palazzo
Pallone
Pascrell
Pastor (AZ)
Paul
Paulsen
Pearce
Pence
Perlmutter
Peters
Peterson
Petri
Pingree (ME)
Pitts
Platts
Poe (TX)
Polis
Pompeo
Posey
Price (GA)
Price (NC)
Quayle
Quigley
Rahall
Rangel

Reed
Rehberg
Reichert
Renacci
Reyes
Ribble
Richardson
Richmond
Rigell
Rivera
Roby
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rooney
Ros-Lehtinen
Roskam
Ross (FL)
Rothman (NJ)
Roybal-Allard
Royce
Runyan
Ruppersberger
Ryan (OH)
Ryan (WI)
Sanchez, Loretta
Sarbanes
Scalise
Schakowsky
Schiff
Schmidt
Schock
Schrader
Schwartz
Schweikert
Scott (SC)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Stark
Stearns
Stivers
Stutzman
Sullivan
Sutton
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tipton
Tonko
Tsongas
Turner (NY)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden
Walsh (IL)
Walz (MN)
Waters
Watt
Waxman
Webster
Welch
West
Westmoreland
Whitfield
Wilson (FL)
Wilson (SC)
Wittman
Wolf
Womack
Woodall
Woolsey
Yarmuth
Yoder
Young (AK)
Young (IN)

NOT VOTING—51

Ackerman
Austria
Berkley
Blumenauer
Buerkle
Butterfield
Campbell
Carter
Chandler
Cicilline
Coble
Davis (KY)
Dicks
Donnelly (IN)
Flores
Fortenberry
Fudge
Gingrey (GA)
Gohmert
Griffin (AR)
Gutierrez
Hartzler
Israel
Jackson (IL)
Johnson (IL)
Lee (CA)
Lewis (CA)
Lowey
Lucas
Marchant
McCarthy (NY)
Miller (FL)
Murphy (CT)
Owens
Pelosi
Roe (TN)
Rohrabacher
Rokita
Ross (AR)
Rush
Sánchez, Linda T.
Schilling
Scott (VA)
Speier
Thompson (MS)
Tiberi
Tierney
Towns
Turner (OH)
Wasserman Schultz
Young (FL)

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. JOHNSON of Illinois. Mr. Speaker, I had obligations that necessitated my attention in Champaign, Illinois and missed suspension votes on S. 684, a bill to provide for the conveyance of certain parcels of land to the town of Alta, Utah and S. 404, a bill to modify a land grant patent issued by the Secretary of the Interior.

Had I been present, I would have voted "yea" on the above stated bills.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2578, CONSERVATION AND ECONOMIC GROWTH ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 112–539) on the resolution (H. Res. 688) providing for consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, which was referred to the House Calendar and ordered to be printed.

NOTICE OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 4348, SURFACE TRANSPORTATION EXTENSION ACT OF 2012, PART II

Mr. WALZ of Minnesota. Madam Speaker, under rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 4348, the transportation conference report.

The form of the motion is as follows:

Mr. Walz of Minnesota moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4348 be instructed to resolve all issues and file a conference report not later than June 22, 2012.

MINNESOTA CHIPPEWA TRIBE JUDGMENT FUND DISTRIBUTION ACT OF 2012

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1272) to provide for the use and distribution of the funds awarded to the Minnesota Chippewa Tribe, et al., by the United States Court of Federal Claims in Docket Numbers 19 and 188, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1272

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 ''Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) On January 22, 1948, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a claim before the Indian Claims Commission in Docket No. 19 for an accounting of all funds received and expended pursuant to the Act of January 14, 1889, 25 Stat. 642, and amendatory acts (hereinafter referred to as the Nelson Act).

(2) On August 2, 1951, the Minnesota Chippewa Tribe, representing all Chippewa bands in Minnesota except the Red Lake Band, filed a number of claims before the Indian Claims Commission in Docket No. 188 for an accounting of the Government's obligation to each of the member bands of the Minnesota Chippewa Tribe under various statutes and treaties that are not covered by the Nelson Act of January 14, 1889.

(3) On May 17, 1999, a Joint Motion for Findings in Aid of Settlement of the claims in Docket No. 19 and 188 was filed before the Court.

(4) The terms of the settlement were approved by the Court and the final judgment was entered on May 26, 1999.

(5) On June 22, 1999, $20,000,000 was transferred to the Department of the Interior and deposited into a trust fund account established for the beneficiaries of the funds awarded in Docket No. 19 and 188.

(6) Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), Congress must act to authorize the use or distribution of the judgment funds.

(7) On October 1, 2009, the Minnesota Chippewa Tribal Executive Committee passed Resolution 146–09, approving a plan to distribute the judgment funds and requesting that the United States Congress act to distribute the judgment funds in the manner described by the plan.

SEC. 3. DEFINITIONS.

For the purpose of this Act:

(1) AVAILABLE FUNDS.—The term ''available funds'' means the funds awarded to the Minnesota Chippewa Tribe and interest earned and received on those funds, less the funds used for payments authorized under section 4.

(2) BANDS.—The term ''Bands'' means the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band.

(3) JUDGMENT FUNDS.—The term ''judgment funds'' means the funds awarded on May 26, 1999, to the Minnesota Chippewa Tribe by the Court of Federal Claims in Docket No. 19 and 188.

(4) MINNESOTA CHIPPEWA TRIBE.—The term ''Minnesota Chippewa Tribe'' means the Minnesota Chippewa Tribe, Minnesota, composed of the Bois Forte Band, Fond du Lac Band, Grand Portage Band, Leech Lake Band, Mille Lacs Band, and White Earth Band. It does not include Red Lake Band of Chippewa Indians, Minnesota.

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

SEC. 4. LOAN REIMBURSEMENTS TO MINNESOTA CHIPPEWA TRIBE.

(a) IN GENERAL.—The Secretary is authorized to reimburse the Minnesota Chippewa Tribe the amount of funds, plus interest earned to the date of reimbursement, that the Minnesota Chippewa Tribe contributed for payment of attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and 188 before the U.S. Court of Federal Claims and the distribution of judgment funds.

(b) CLAIMS.—The Minnesota Chippewa Tribe's claim for reimbursement of funds expended shall be—

(1) presented to the Secretary not later than 90 days after the date of enactment of this Act;

(2) certified by the Minnesota Chippewa Tribe as being unreimbursed to the Minnesota Chippewa Tribe from other funding sources;

(3) paid with interest calculated at the rate of 6.0 percent per annum, simple interest, from the date the funds were expended to the date the funds are reimbursed to the Minnesota Chippewa Tribe; and

(4) paid from the judgment funds prior to the division of the funds under section 5.

SEC. 5. DIVISION OF JUDGMENT FUNDS.

(a) MEMBERSHIP ROLLS.—Not later than 90 days after the date of the enactment of this Act, the Minnesota Chippewa Tribe shall submit to the Secretary updated membership rolls for each Band, which shall include all enrolled members the date of the enactment of this Act.

(b) DIVISIONS.—After all funds have been reimbursed under section 4, and the membership rolls have been updated under subsection (a), the Secretary shall—

(1) set aside for each Band a portion of the available judgment funds equivalent to $300 for each member enrolled within each Band; and

(2) after the funds are set aside in accordance with paragraph (1), divide 100 percent of the remaining funds into equal shares for each Band.

(c) SEPARATE ACCOUNTS.—The Secretary shall—

(1) deposit all funds described in subsection (b)(1) into a ''Per Capita'' account for each Band; and

(2) deposit all funds described in subsection (b)(2) into an ''Equal Shares'' account for each Band.

(d) WITHDRAWAL OF FUNDS.—After the Secretary deposits the available funds into the accounts described in subsection (c), a Band may withdraw all or part of the monies in its account.

(e) DISBURSEMENT OF PER CAPITA PAYMENTS.—All funds described in subsection (b)(1) shall be used by each Band only for the purposes of distributing one $300 payment to each individual member of the Band. Each Band may—

(1) distribute the $300 payment to the parents or legal guardians on behalf of each dependent Band member instead of distributing such $300 payment to the dependent Band member; or

(2) deposit into a trust account the $300 payment to each dependent Band member for the benefit of such dependent Band member, to be distributed under the terms of such trust.

(f) DISTRIBUTION OF UNCLAIMED PAYMENTS.—One year after the funds described in subsection (b)(1) are made available to the Bands, all unclaimed payments described in subsection (e) shall be returned to the Secretary, who shall divide these funds into equal shares for each Band, and deposit the divided shares into the accounts described in subsection (c)(2) for the use of each Band.

(g) LIABILITY.—If a Band exercises the right to withdraw monies from its accounts, the Secretary shall not retain liability for the expenditure or investment of the monies after each withdrawal.

SEC. 6. GENERAL PROVISIONS.

(a) PREVIOUS OBLIGATIONS.—Funds disbursed under this Act shall not be liable for the payment of previously contracted obligations of any recipient as provided in Public Law 98–64 (25 U.S.C. 117b(a)).

(b) INDIAN JUDGMENT FUNDS DISTRIBUTION ACT.—All funds distributed under this Act are subject to the provisions in the Indian Judgment Funds Distribution Act (25 U.S.C. 1407).

The SPEAKER pro tempore (Mr. AMASH). Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from New Mexico (Mr. LUJÁN) 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 have 5 legislative days to revise and extend their remarks and 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.

In 1999, the United States Court of Federal Claims awarded a $20 million settlement to the Minnesota Chippewa Tribe, pursuant to the Nelson Act and various treaties that are not covered by the Nelson Act, for various accounting obligations of the Federal Government. These funds have been held in trust and have not been disbursed. H.R. 1272 authorizes the Secretary of the Interior to disburse the balance held in trust to the Minnesota Chippewa Tribe.

I would like to thank Congressman CHIP CRAVAACK and the sponsor of this bill, Congressman COLLIN PETERSON, for working with the Minnesota Chippewa Tribe and for getting this bill to the floor.

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

Mr. LUJÁN. Mr. Speaker, I yield such time as he may consume to the author of the legislation, the ranking member of the Agriculture Committee, the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON. I thank the gentleman.

Mr. Speaker, I rise today in support of H.R. 1272, the Minnesota Chippewa Tribe Judgment Fund Distribution Act.

Thirteen years ago, the United States Court of Federal Claims awarded and appropriated $20 million to the Minnesota Chippewa Tribe. This settlement appropriation was to compensate the descendents of the Chippewa Indians of Minnesota for the improper valuation of timber and the taking of land under the Nelson Act of 1889. Now, because of the Indian Judgment Fund Act of 1983, Congress must pass legislation detailing how the settlement should be distributed amongst the six bands that make up the Minnesota Chippewa Tribe.

The Minnesota Chippewa Tribe Judgment Fund Distribution Act, H.R. 1272, authorizes the Secretary of the Interior to release the funds, plus interest that has been earned, that were appropriated into the trust fund for the Minnesota tribe in 1999. Being the expenses for prosecuting the Minnesota Chippewa Tribe claims were shared equally by all the bands, these expenses should be expended equally from the fund. H.R. 1272 requires that each of the six bands provide the Secretary with updated membership rolls. It directs the Secretary to set aside $300 to each member enrolled and to divide the remaining funds into equal shares for each band.

It is important to note that the CBO has concluded that H.R. 1272 does not need an appropriation and that it has no budgetary impact because the $20 million settlement proceeds were appropriated and paid to the Minnesota Chippewa Tribe in 1999. They've been there since 1999.

So I think it is high time that this settlement is finally distributed and put to work within these communities. The sooner we resolve this issue, the sooner these funds can be released and go to work within these economically depressed areas. There is a great need on these reservations for things like schools, health care facilities, and other infrastructure improvements.

I want to alert everybody that this is not unanimous. Five of the six tribes support this. This has been going on for 13 years, but this is as good as we can do. We don't want the perfect to be the enemy of the good, and it's time that we got this settled. I think it makes no sense for anybody to draw hard-line positions on this. Judging from experience, no hard-line position has ever succeeded, so it's time for everybody to come together and find an agreement that maybe not everybody loves but that everybody can benefit from.

That is what H.R. 1272 is. We encourage the adoption of the bill. Our folks back home would really appreciate getting this settled and letting these funds go to work on their reservations.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. CRAVAACK), the author of the bill.

Mr. CRAVAACK. I thank my good friend from Alaska for yielding.

Mr. Speaker, I rise today in support of H.R. 1272, the Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012, of which I am an original cosponsor.

I represent five of the six bands that constitute the Minnesota Chippewa Tribe, which is a sovereign, federally recognized tribal entity and the sole plaintiff in the litigation whose settlement gives rise to this legislation.

□ 1910

The five bands that reside in my district are: Bois Forte, Grand Portage, Mille Lacs, Leech Lake, and Fond Du Lac.

I've met with the representatives from all five bands on a number of occasions in the 112th Congress, and they've all made it very clear to me that it is more than past time to bring resolution to this longstanding issue. I agree.

The Minnesota Chippewa Tribe entered into a $20 million legal settlement with the United States Government in 1999 to compensate for damages stemming from the improper taking of land and valuation of timber under the Nelson Act of 1889.

These settlement funds have been sitting in a Department of the Interior trust fund ever since and with interest have grown to about $28 million. That money now belongs to the Minnesota Chippewa Tribe. The United States' only role in this has been to temporarily hold it in trust for them until it can be distributed. Thus I've joined with my fellow Minnesota Representatives, Mr. PETERSON and Mr. PAULSEN, in cosponsoring the legislation before you today.

This legislation puts forth a disbursement formula which reflects and honors the formula decided democratically by the governing body of the Minnesota Chippewa Tribe, known as the Tribal Executive Committee. This formula voted for and passed by the committee supports a per capita apportionment of $300 each to each member, followed by a six-way split for the remaining settlement funds. Importantly, H.R. 1272 will distribute the settlement funds according to the formula that has been determined by the CBO to have no budgetary impact.

It is always difficult to craft a compromise between such varied and competing interests. However, the compromise represented in this bill respects the decision of the governing body of the entity that brought forth the claim on behalf of all six bands, and the U.S. Court of Federal Claims recognizes as having the constitutional authority to enter into a proposed settlement on behalf of all six bands. All six bands shared equally in the expense of the risk of prosecuting the case, and the tribal executive committee provided the six bands an equal opportunity to vote on how the judgment funds should be distributed.

The release of the $28 million to the members of the Chippewa Tribe will have positive implications far beyond just righting a past wrong. This money will flow directly into the hands of the bands and their members, sparking much needed consumer activity and, hopefully, investment in the reservations in northern Minnesota. This will benefit the entire region.

H.R. 1272 is the solution that must be enacted in order to fulfill the U.S. Government's legal obligations, conclude its litigation with the Minnesota Chippewa Tribe, and release over $28 million in settlement funds in a fair and expeditious manner. Thus, I am hopeful that my colleagues will join me in support of the bill that brings resolution to this longstanding issue.

Mr. LUJAN. If my friend doesn't have any other speakers, I yield back the balance of my time.

Mr. YOUNG of Alaska. I have no further speakers.

Mr. Speaker, I urge passage of this legislation.

And I misspoke a moment ago. Congressman COLLIN PETERSON has been fighting this battle for years and years, and I'm glad to finally see that he has succeeded. He is the prime sponsor of this legislation, along with Mr. CRAVAACK and Mr. PAULSEN. So we're on the right track. And I want to congratulate you. Perseverance overcomes many things, and you persevered this time.

With that, I yield back the balance of my time, and I urge the passage of this legislation.

Ms. RICHARDSON. Mr. Speaker, I rise today in support of H.R. 1272, Minnesota Chippewa Tribe Judgment Fund Distribution Act of 2012. As a Member of the Native American Caucus, I have worked with my colleagues in Congress to address the needs of Native Americans.

This legislation authorizes the Secretary of the Interior to reimburse the Minnesota Chippewa Tribe for the amount, plus interest, that the Tribe contributed for the payment of attorneys' fees and litigation expenses associated with the litigation of Docket No. 19 and No. 188 before the U.S. Court of Federal Claims and the distribution of judgment funds.

This legislation before us today is not a handout, but a guarantee that directs the fair distribution of funds to a claim awarded to Native Americans by the United States Court of Federal Claims; these funds have been held in trust since June 22, 1999.

Mr. Speaker, by today's end four Native American bills will have passed. I hope that these are not the last. While we can't undo the damage that the Federal Government inflicted on black farmers and Native Americans, today we will help compensate them for their losses and ensure that this never happens again. I urge my colleagues to continue supporting Native Americans.

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. 1272, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GILA BEND INDIAN RESERVATION LANDS REPLACEMENT CLARIFICATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2938) to prohibit certain gaming activities on certain Indian lands in Arizona, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2938

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 ''Gila Bend Indian Reservation Lands Replacement Clarification Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) In 1986, Congress passed the Gila Bend Indian Reservation Lands Replacement Act, Public Law 99–503, 100 Stat. 1798, to authorize the Tohono O'odham Nation to purchase up to 9,880 acres of replacement lands in exchange for granting all right, title and interest to the Gila Bend Indian Reservation to the United States.

(2) The intent of the Gila Bend Indian Reservation Lands Replacement Act was to replace primarily agriculture land that the Tohono O'odham Nation was no longer able to use due to flooding by Federal dam projects.

(3) In 1988, Congress passed the Indian Gaming Regulatory Act, which restricted the ability of Indian tribes to conduct gaming activities on lands acquired after the date of enactment of the Act.

(4) Since 1986, the Tohono O'odham Nation has purchased more than 16,000 acres of land. The Tohono O'odham Nation does not currently game on any lands acquired pursuant to the Gila Bend Indian Reservation Lands Replacement Act.

(5) Beginning in 2003, the Tohono O'odham Nation began taking steps to purchase approximately 134.88 acres of land near 91st and Northern Avenue in Maricopa County, within the City of Glendale (160 miles from the Indian tribe's headquarters in Sells). The Tohono O'odham Nation is now trying to have these lands taken into trust status by the Secretary of the Interior pursuant to the Gila Bend Indian Reservation Lands Replacement Act of 1986 (''Gila Bend Act''), and has asked the Secretary to declare these lands eligible for gaming, thereby allowing the Indian tribe to conduct Las Vegas style gaming on the lands. The Secretary has issued an opinion stating that he has the authority to take approximately 53.54 acres of these lands into trust status, and plans to do so when legally able to do so.

(6) The State of Arizona, City of Glendale, and at least 12 Indian tribes in Arizona oppose the Tohono O'odham Nation gaming on these lands. No Indian tribe supports the Tohono O'odham Nation's efforts to conduct gaming on these lands.

(7) The Tohono O'odham Nation's proposed casino violates existing Tribal-State gaming compacts and State law, Proposition 202, agreed to by all Arizona Indian tribes, which effectively limits the number of tribal gaming facilities in the Phoenix metropolitan area to seven, which is the current number of facilities operating.

(8) The Tohono O'odham casino proposal will not generate sales taxes as the State Gaming Compact specifically prohibits the imposition of any taxes, fees, charges, or assessments.

(9) The proposed casino would be located close to existing neighborhoods and a newly built school and raises a number of concerns. Homeowners, churches, schools, and businesses made a significant investment in the area without knowing that a tribal casino would or even could locate within the area.

(10) The development has the potential to impact the future of transportation projects, including the Northern Parkway, a critical transportation corridor to the West Valley.

(11) The Tohono O'odham Nation currently operates three gaming facilities: 2 in the Tucson metropolitan area and 1 in Why, Arizona.

(12) Nothing in the language or legislative history of the Gila Bend Indian Reservation Lands Replacement Act indicates that gaming was an anticipated use of the replacement lands.

(13) It is the intent of Congress to clarify that lands purchased pursuant to the Gila Bend Indian Reservation Lands Replacement Act are not eligible for Class II and Class III gaming pursuant to the Indian Gaming Regulatory Act. Such lands may be used for other forms of economic development by the Tohono O'odham Nation.

SEC. 3. GAMING CLARIFICATION.

Section 6(d) of Public Law 99–503 is amended by inserting ''except that no class II or class III gaming activities, as defined in section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703), may be conducted on such land if such land is located north of latitude 33 degrees, 4 minutes north'' after ''shall be deemed to be a Federal Indian Reservation for all purposes''.

SEC. 4. NO EFFECT.

The limitation on gaming set forth in the amendment made by section 3 shall have no effect on any interpretation, determination, or decision to be made by any court, administrative agency or department, or other body as to whether any lands located south of latitude 33 degrees, 4 minutes north taken into trust pursuant to this Act qualify as lands taken into trust as part of a settlement of a land claim for purposes of title 25 U.S.C. 2719(b).

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

The Chair recognizes the gentleman from Alaska.

GENERAL LEAVE

Mr. YOUNG of Alaska. 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 Alaska?

There was no objection.

Mr. YOUNG of Alaska. At this time, I yield 5 minutes to the author of the bill, Congressman FRANKS from Arizona.

Mr. FRANKS of Arizona. Mr. Speaker, I want to thank Chairman YOUNG and Chairman HASTINGS and the House leadership for bringing this bill to the floor today, as well as the bipartisan group of cosponsors for their support.

Mr. Speaker, H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act, seeks to prevent Las Vegas-style casino gambling in the Phoenix metropolitan area on lands purchased by the Tohono O'odham Nation.

Mr. Speaker, the Tohono O'odham Nation has tried to manipulate the

Gila Bend Indian Reservation Lands Replacement Clarification Act of 1986 to acquire lands for gambling which are more than 100 miles from the Tohono O'odham's existing reservation. This ''reservation shopping'' for casino gambling purposes is contrary to the express and public commitments that the Tohono O'odham made between 2000 and 2002 to the other 16 Indian tribes in Arizona, the State, and the voters of Arizona when it openly and definitively supported passage of Proposition 202, a State referendum to limit casino gambling in the Phoenix metropolitan area.

Indeed, while the Tohono O'odham was in negotiations with the other tribes to craft a gaming compact agreement, they were simultaneously in the process of covertly purchasing attractive land in the Phoenix metropolitan area for casino gambling purchases. Thus, the bipartisan cosponsors of H.R. 2938 are simply trying to keep the Tohono O'odham Nation to its publicly stated commitment not to engage in casino gambling in the Phoenix metropolitan area.

Mr. Speaker, during the subcommittee hearing on this bill, witnesses made it clear that there is a problem and a serious threat to existing gaming structure in Arizona if the Tohono O'odham Nation is able to develop a Las Vegas-style casino in the Phoenix metropolitan area.

The passage of H.R. 2938 will prevent an ominous precedent that could lead to an expansion of off-reservation casinos and dangerous changes to the complexion of tribal gaming in the other States across the country in which Indian tribes can use front companies to buy up land and declare it part of their sovereign reservation for gaming purposes.

Additionally, Mr. Speaker, even if the casino weren't in violation of Federal law—which it is—but if it weren't, claims that the operation would create jobs and benefit the economy of the surrounding area are woefully misinformed at best and shamefully dishonest at worst. The most frequently cited job creation numbers that have been thrown about during this debate come almost without exception from a study commissioned by the Tohono O'odham tribe themselves. The study was conducted by the Spectrum Gaming Group. Tellingly, multiple organizations asked the tribe to release the data and the methodology supporting this so-called ''study,'' which was released roughly 3 years ago. To this day, the tribe continuously to steadfastly refuse. In other words, the tribes released a slew of numbers extolling the supposed amazing economic benefits of their casino, then refused to tell anybody how they came up with the numbers.

Far from economically benefiting the West Valley, one recent well documented study found that casino operations would ultimately provide $172,500 of revenue annually for the city of Glendale—keep in mind the surrounding areas would not benefit from the normal sales taxes, bed taxes, and property taxes because the casino, being on tribal land, would be exempt from all three. Meanwhile, Glendale estimates an added cost of $3.6 million per year just for the additional cost of public safety services necessary to such a large operation. Of course, it should always be remembered, Mr. Speaker, that casino revenues are primarily comprised of gambling losses that would otherwise have found their way into the economy in more productive sectors.

Mr. Speaker, my bill would not seek to take any lands away from Tohono O'odham. Consistent with the intent of the Indian Gaming Regulatory Act, my bill merely prevents the Tohono O'odham from building a gambling casino on certain lands, as it previously agreed it would never do.

I respectfully ask my colleagues to join me and the members of Arizona's delegation in supporting this bill.

Mr. LUJÁN. Mr. Speaker, I yield 10 minutes to the gentleman from Arizona (Mr. GRIJALVA).

Mr. GRIJALVA. Let me thank my good friend, Mr. LUJÁN from New Mexico, for his time.

H.R. 2938 is named the Gila Bend Indian Reservation Lands Replacement Clarification Act. However, do not be misled by this bill's benign sounding title. It does not aim to clarify anything. Rather, it seeks to unilaterally abrogate an Indian land claim and water rights settlement, and it would also interfere with pending litigation in Federal court.

In 1986, the United States enacted Federal legislation specific to this tribe and this situation. The Gila Bend Indian Reservation Lands Replacement Clarification Act, Public Law 99–503, was to implement a settlement reached between the United States and the Tohono O'odham Nation. In this settlement, the nation released claims against the United States for flooding and loss of its land, as well as water rights of 36,000 acre feet per year. In exchange for releasing the claims, Congress guaranteed, via statute, that the nation could obtain replacement reservation lands within three counties without restriction as to the use of that land.

□ 1920

H.R. 2938 seeks to renege on Congress' solemn promise and change the material terms of the settlement; this while Congress contemplates in a very real way breaking its word to Indian Country one more time. The legislation will reopen and change the terms of a 1986 bipartisan land settlement authored by Congressman Mo Udall, then-Congressman JOHN MCCAIN, then-Senator Dennis DeConcini, and then-Senator Barry Goldwater that compensated the Tohono O'odham Nation for 10,000 acres of land destroyed by the Army Corps of Engineers in the 1950s. By violating an existing settlement, this legislation will create new liabilities for the Federal Government, as taxpayers will have to provide more compensation to the nation as a result of prohibiting the purchase of replacement lands, as provided in the original settlement act.

Enactment of this legislation would also set a dangerous precedent in which Congress could unilaterally alter the terms of a Federal settlement years later. If this is the case that would stop Congress from revisiting any settlements over the years, then all settlements are open for review.

H.R. 2938 is job-killing special interest legislation. The primary advocates for this legislation are wealthy gaming entities, tribal entities trying to protect their monopoly on a gaming market. If they get their way, they will prevent the Tohono O'odham Nation from creating thousands of new jobs, permanent and construction.

It reneges on the United States' promise to replace the reservation lost, and it vastly diminishes the Tohono O'odham settlement by imposing new restrictions on the land replacement provided for in the 1986 settlement.

It creates new liabilities for the United States. If this were to become law, H.R. 2938, it will breach the settlement act, and it will leave the United States liable for untold millions of dollars in land and taking claims for the land and water rights that the nation relinquished under the original settlement act.

And it undermines ongoing litigation. The same interests that support H.R. 2938 have brought various lawsuits to stop the nation from exercising its rights. But so far, both State and Federal courts have fully upheld the Tohono O'odham Nation's rights. The proponents of H.R. 2938 want Congress to change the law in order to legislate a victory that they cannot get through legislation.

In addition, misinformation, distortion, and outright lies have been spread through congressional offices by a major lobbying firm in D.C. in the employment of a gaming entity that is opposed to the original law and is promoting this law.

This has nothing to do with ''reservation shopping.'' In no way would defeating this bill allow tribes to start buying up plots of land outside of, say, New York City and open up casinos. The original act was specific only to the Tohono O'odham. The replacement land could be only purchased in one of three Arizona counties. In fact, the land in question is in the exact same county, Maricopa, where the flooded land of Gila Bend reservation was located.

So I think it's time to stop this. This land was purchased legally by the Tohono O'odham Nation, all in accordance with the Gila Bend Reservation Land Replacement Act, to replace reservation land the U.S. Government flooded and destroyed, to be used by

the nation at their discretion for economic development. The innuendo of reservation shopping or the idea that its defeat will cause rampant reservation shopping is absurd, and it needs to stop.

I also want to address the idea that compact guaranteed no new casinos in the Phoenix area. If this was the case, the only casinos that would exist in the Phoenix area are the ones that were in existence in 2003. But lo and behold, the very tribes supporting this legislation have built two additional casinos since then. In fact, one of these tribes is about to break ground on a new $135 million Las Vegas-style casino and hotel right outside of southwest Phoenix.

And, finally, let's stop the lies about the administration being ''neutral'' on this bill. They have testified against it. I have spoken to them. Their position hasn't changed, and the administration does not support this legislation.

This legislation is causing disparate treatment of one tribe for the sake of protecting a market. The market should be competitive. This is not a violation of the Arizona Gaming Compact, but it is an abrogation of a law this Congress passed in 1986 that is now being changed due to the whims of those afraid of a competitive market.

I thank the gentleman from New Mexico for yielding.

Mr. YOUNG of Alaska. I yield 3 minutes to the gentleman from Arizona (Mr. GOSAR).

Mr. GOSAR. Mr. Speaker, I rise in support of my friend TRENT FRANKS' legislation, H.R. 2938.

Ten years ago, stakeholders from across the State of Arizona gathered together to come up with a 21st-century plan to manage gaming activity. As part of that final agreement, many tribes agreed to forgo building a casino to share revenues as a whole. Gaming revenues were set aside for education, health care, and other measures to improve the lives of average tribal members.

The key part of that compact was a tribal agreement that no new additional casinos would be permitted in the Phoenix metropolitan area. The Tohono O'odham Nation agreed to those terms; but as they agreed to one thing publicly, they were preparing privately to undermine the entire agreement. The tribe has since acquired land in Glendale and has made it clear they intend to break their agreement and establish a casino on that land. This legislation ensures the Tohono O'odham Nation must keep the promise they made in 2002 to the other tribes, the State, and our constituents.

Additionally, the small, but vocal, opposition to this legislation claims the bill before us seeks to unilaterally nullify an Indian water rights settlement. I assure my House colleagues that statement is false. Water rights associated with the Gila Bend reservation were settled in the Arizona Water Rights Settlement Act of 2004, not the Gila Bend Act.

The passage of H.R. 2938 would not affect the State adjudication of water rights. Any claims to water rights based on aboriginal occupancy that Tohono might have claimed were also waived in the tribe's separate water rights settlement, an act that provided for a complete and total waiver of all such water rights in exchange for substantial consideration and payments. Last fall, the Department of the Interior testified on this bill, and water rights were not mentioned. The committee resolved any concerns during the markup of the bill.

Today's debate is not about jobs or Native American water rights. It is about protecting the integrity of Arizona's gaming compact and preventing a dangerous precedent that could lead to the expansion of off-reservation casinos in other States.

I urge my colleagues to vote ''yes'' on H.R. 2938.

Mr. LUJAN. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. I thank the gentleman from New Mexico.

H.R. 2938 should not have been brought to the House floor under suspension of the rules. This legislation doesn't name a post office or authorize a park study. H.R. 2938, instead, is a highly controversial piece of legislation that will amend a settlement agreement between the United States and an Indian tribe, impose restrictions on a tribe's authority to use its own land, and circumvent years of Federal and State court rulings.

During consideration by the Natural Resources Committee, members from both sides of the aisle expressed concern with this measure. House Members have heard from tribes across the country, Arizona State legislators, local mayors, small business owners, and community leaders on both sides of this issue. The number of stakeholders with strong feelings on both sides of this issue is plain evidence that the bill does not belong on suspension.

□ 1930

So we're here tonight, and the implications for local, regional, and national gaming industry precedents are quite significant. We should only bring suspension-worthy bills out here on the floor. I say that because Mr. GRIJALVA from Arizona, whose tribal constituents are the sole target of this legislation, is being denied this opportunity and, therefore, any chance to address his constituents' needs. And I think that since it does affect his district, his tribe, he's on the Natural Resources Committee, he deserves the right to be able to make amendments that can improve this legislation, and he is not going to be allowed to do that.

So that is my view on this bill, that it's under the wrong process. Suspensions are really meant for bills that do not bring the level of complexity and the level of controversy that a bill like this brings to the House floor, and as a result, I urge a ''no'' vote.

Mr. YOUNG of Alaska. Mr. Speaker, I reserve the balance of my time. I have one more speaker.

Mr. LUJAN. I yield 3 minutes to the gentleman from California (Mr. MCCLINTOCK).

Mr. MCCLINTOCK. I thank the gentleman for yielding.

Mr. Speaker, the gentleman from Arizona (Mr. GRIJALVA) stated the facts very clearly. In the 1950s, the Federal Government condemned and seized land and water rights owned by the Tohono O'odham Indian Nation. In 1986, Congress settled the tribe's outstanding claims by agreeing, in part, to take into trust replacement land that the Tohono O'odham might acquire under specific conditions. The tribe has acquired a particular parcel meeting all of the conditions set forth in the law and asserted its rightful claim under that law. This bill retroactively and fundamentally alters that settlement, breaking the promises the Tohono O'odham have relied upon as they've spent many years and millions of dollars acquiring this parcel and planning the project.

Now, why in the world would we want to do such a thing? Well, it's obvious. Like many tribes, the Tohono O'odham want to build a casino on this land. This casino would compete with another tribe's casino in the region, and that tribe doesn't want the competition. Competition is so annoying and inconvenient. It requires offering your customers a better service at a lower price. Tohono O'odham seeks to do that. The other tribe doesn't want to.

So that other tribe, which has a monopoly on gaming in the Phoenix area, created a front made up of antigambling pressure groups and NIMBY activists to try and stop them. They have been defeated in the courts at every turn. So what to do? What to do? They don't want to compete for customers. They don't have a leg to stand on in court. What is left? Well, of course. Get Congress to break its promise, which is why we're all here tonight.

Let's be very clear about what passing this bill would mean. Many in this House have widely criticized the President for killing thousands of jobs to satisfy his ideological opposition to the Keystone pipeline. Well, this bill does exactly the same thing. It kills 6,000 construction jobs and 3,000 permanent, ongoing service jobs by blocking this project on ideological grounds. But the damage only begins there. Federal taxpayers will become liable for hundreds of millions of dollars of economic damages to compensate the Tohono O'odham for lost profits, for the devaluation of their property, and for years of planning suddenly rendered worthless by this act.

So what's the balance sheet here? On the plus side, we satisfy the ideological itch of antigaming busybodies and antigrowth zealots, and we protect a gambling monopoly in Phoenix from any competition. On the minus side, we

destroy 6,000 construction jobs, 3,000 service jobs, and we open our constituents to hundreds of millions of dollars of damages that we are certain to lose in court.

I would suggest that this bill ought to be laughed off the floor, but there's nothing in it to laugh about.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. SCHWEIKERT).

Mr. SCHWEIKERT. Thank you, Mr. Chairman.

Mr. Speaker, I come to this with a somewhat unique view, because I was actually there 19 years ago as the majority whip in the Arizona State House when this was originally being negotiated. I sat in the room hour after hour after hour for months with many of these Native American communities and these very discussions about what would happen in this type of scenario and assurances that were given to those of us who were in the legislature who were having to make the decision that this would never happen.

And I've listened to a little bit of this testimony, even from my good friend here from California, and the facts don't line up. First off, in the gaming agreements, in the compacts, there's the language about the distance from the base aboriginal territories and how far things could move away from that. This is outside that. The jobs numbers are an absolute fantasy for the construction. And I think Mr. FRANKS actually went over that in his discussion earlier.

But why do I stand here so passionately supporting TRENT's bill? If this happens, it's going to destroy the nature of my State because, understand, the compacts go kaboom, the cascade begins. And this isn't just for Arizona. It will be all over the country. I promise you, in a few years you will wake up and my State will be a statewide gaming State. And then when this becomes precedent, understand, all your States are now in play.

This is more than just us having a dispute with the Tohono O'odhams. That isn't what this is about. This is about keeping the promises that were made for many of us who were embattled in building these compacts years ago.

Let's have everyone keep their promise, and let's keep the deal we made.

Mr. YOUNG of Alaska. Will the gentleman yield for a moment? If he doesn't have the time, I will yield him additional time.

Does the tribe in question have a casino on their own property?

Mr. SCHWEIKERT. Oh, yes. I think they have multiple casinos.

There's another fact that bounced up here, Mr. Speaker. There's actually, I think, one, two, three, four, five casinos in the urban area by, I think, three different Native American communities. This isn't about defending one tribe versus another. This is about there's 21 tribes in Arizona and the agreements that have been put together. Heaven forbid what you're going to do to these communities, particularly the rural ones that get some of the sharing, if we blow up the compacts through my State.

Mr. YOUNG of Alaska. Mr. Speaker, does the gentleman have any more speakers?

Mr. LUJÁN. Mr. Speaker, yes, I do.

Mr. YOUNG of Alaska. I reserve the balance of my time.

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

Mr. GRIJALVA. Thank you, Mr. LUJÁN.

Just, I think, important points to clarify. One is that the Tohono O'odham Nation's proposed gaming facility in this land that was authorized by Congress would violate its tribal-State gaming compact, or Prop 202. The Department of the Interior has spoken clearly on this issue and confirmed in section 3(j) of the tribal-State gaming compact clearly allows the nation to develop a gaming facility on the land. Nothing in Proposition 202 would disallow the nation from gaming in the Phoenix metropolitan area, as the other five to six casinos show that there were gentlemen's agreements for no additional casinos in Phoenix.

Well, there was no such side deal. The line of argument is, I think, an after-the-fact rationalization for a position that is entirely unsupported by the letter of the law. The compact has stated all elements of tribal-State gaming agreements must be embodied in the compact and must be approved by the Department of the Interior.

I think that we have to look at what has not been said. The United States' breach, if this becomes law, will void the nation's release of its original land claims and open the United States to a liability that was valued at $100 million in 1986 dollars. The breach will also open the portion of the nation's original water claims settlement. This settlement is key to the negotiations going on now with the Salt River Project, the Central Arizona Water Conservation District, the State of Arizona, the Maricopa-Stanfield Water District, and the Central Arizona Irrigation District, all affecting the very precious commodity in Arizona, which is water.

So at the expense of those liabilities, that breach could cause not only the State of Arizona, but the United States taxpayer, millions and millions of dollars and loss in settlements that are so vitally needs around the water issues affecting Arizona and the West.

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

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Mr. YOUNG of Alaska. Mr. Speaker, I can say that this is somewhat difficult for me because I have a rule about laws that are being passed in Members' districts, and I usually support. Mr. FRANKS represents that district.

And I will say, Mr. GRIJALVA has made some statements. I would suggest Congress makes laws, and Congress can remake laws. Lawsuits, that's a scare tactic. They can sue all they want. One of the problems we have in America today is we have too many lawyers, so you can sue anything and anybody, anytime, anywhere.

This is a battle about a State and a large group of American Natives that reached an agreement. Mr. GOSAR said this very clearly. He was there, and they reached an agreement and they are signatories. We had a hearing on this legislation. We had a quite intensive hearing, and that was brought up. And, of course, they can cite all the arguments they want, but they also understand that when a State is involved under Native gaming laws, which I and Mr. Udall sponsored, the State had to be directly involved; otherwise, you wouldn't have gambling anyplace in Arizona because the State would not have agreed to that if there hadn't been an agreement between all of the tribes, there would be no more than was established in the compact. And I think we have to consider the State's belief in this because that does affect the State. They probably wouldn't have any gambling at all.

This money from those five existing casinos is shared, even by the tribe requesting this casino outside their territory where they have their own casinos, they want it in the Phoenix area, and we all know that. This is about money. There's no doubt about that. But what concerns me the most is the compact. When I listen to this, when you make an agreement and you're a tribe and you agree to something, don't try to go around and change that later on by asking some lawyers. We talk about finances and where the finances are coming from. We can find that out, too, later on.

So with the understanding that this is an Arizona battle, but as chairman, I have to listen to both sides, and right now I come down on the side that Arizona, the State of, has an agreement, and we ought to live by it.

I yield back the balance of my time.

Mr. BACA. Mr. Speaker, I rise in support of H.R. 2938, the Gila Bend Indian Reservation Lands Replacement Clarification Act.

I support this important legislation because I believe we should all be bound by the agreements we make.

In the late 1990s, Arizona tribes' gaming ventures were being threatened by litigation and anti-Indian gaming interests.

As a response, a number of tribes formed a coalition to create a joint negotiating position before entering into tribal compact discussions with state officials.

One of these tribes was the Tonoho O'odham Nation.

Following this agreement, proposition 202 was passed, limiting Phoenix area casinos to seven.

Through all this time, the Tonoho O'odham Nation never expressed any hesitation to the agreement they signed with other tribes or Proposition 202, until now.

I ask my colleagues to support this important measure because it upholds the good

faith negotiations that were conducted to reach this joint power resolution between the Arizona Tribes.

I ask my colleagues to support it because it upholds the integrity of all the other tribes who have and still are living up to their word.

I urge my colleagues to vote "yes" on this important bill.

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. 2938, 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. 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 question will be postponed.

CRISIS IN SYRIA

(Ms. JACKSON LEE of Texas asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE of Texas. Mr. Speaker, the crisis in Syria is getting worse and worse and worse. I join with the United Nations, but I ask that the Arab League and NATO raise their voices to remove women and children and the elderly and the disabled and the sick from this onslaught of violence.

And I ask the head of Russia, Mr. Putin, does he have a heart? Is he going to continue on the basis of ego and collaboration, determined that he allow the violence against the Syrian people to continue?

I ask my Christian friends in Syria, as well, to join with the world of humanity to stop the violence against women and children. It is time now.

ONE VOTE, ONE PERSON

Mr. Speaker, I change to another topic very quickly and say: one vote, one person. The voter ID law doesn't allow that, and the massive infusion of dollars coming from places that no one knows, no one has to account for. Let us have the Constitution stand again. Let America have a 2012 election without the infusion of unnamed dollars; now, $100 million may be coming into this election from one person. Mr. Speaker, the Constitution deserves respect—one vote, one person.

CLEARING THE NAMES OF JOHN BROW AND BROOKS GRUBER

The SPEAKER pro tempore. Under the Speaker's announced policy of January 5, 2011, the gentleman from North Carolina (Mr. JONES) is recognized for 60 minutes as the designee of the majority leader.

Mr. JONES. Mr. Speaker, I won't take the entire hour, but this is a 10-year journey that I have been on since I was notified by the wife of one of the pilots, Connie Gruber, who lives in my district, that the very tragic plane crash on April 8, 2000, when 19 marines were killed in a V–22 Osprey, that her husband, Major Brooks Gruber and Colonel John Brow, pilots, were being blamed for the accident. Nineteen marines that night were killed. And again, 10 years ago I was contacted by Mrs. Gruber, who lives in Jacksonville, North Carolina, which is the home of Camp Lejeune Marine Base.

Mr. Speaker, I have, for the House, a photograph of the V–22 Osprey that many people might have forgotten. In the year 2000, it was a plane going through a lot of trouble, meaning from the standpoint of testing, standpoint of records being changed, and the standpoint that the Secretary of Defense at the time, Dick Cheney, wanted to scrap the program. But the Marine Corps was saying that they had to have the MV–22. And again, Mr. Speaker, for you to know, this is the plane that goes from a helicopter mode to an airplane mode, that the nacelles will go from this way to a plane mode. I have this beside me so that people can see the V–22. The pilot was Colonel John Brow. He's pictured immediately on my left, and the copilot to the poster's left was Major Brooks Gruber.

Connie Gruber wrote me a letter. It's a full page, Mr. Speaker, and I would like to just read what she said, just one paragraph:

> With so many wrongs in the world we cannot make right, I ask you prayerfully consider an injustice that you can make right. I realize you alone may not be able to amend the report, but you can certainly support my efforts to permanently remove this black mark from my husband's honorable military service record.

Mr. Speaker, there was a time when there was an issue involving the V–22 that the Marine Corps did not recognize, nor did Bell-Boeing, the manufacturer of the plane. It's called vortex ring state, VRS, and it's where the different, the two helicopter nacelles can be impacted in a different way, and that's what caused this tragic accident on April 8, 2000.

Mr. Speaker, right after the accident, the Marine Corps sent three investigators—Colonel Mike Morgan, Colonel Ron Radich, and Major Phil Stackhouse—to Arizona to investigate this accident, which was very, very difficult for the marines who were given the responsibility to find out why this plane crashed and burned.

Mr. Speaker, they came back and completed what was known as the JAGMAN report that was submitted to the Marine Corps. The investigators, this was their findings of what caused the accident.

□ 1950

This is what has created the problem is that the Marine Corps issued a press release that I will talk about in just a few minutes. And the JAGMAN the families agreed with. Everything in the JAGMAN they agree with. And I'll touch on that in just a moment.

I also at this time want to thank Congressman STENY HOYER from Maryland, who is the Congressman for the wife of the pilot. Her name is Trish Brow. She has two sons, Matthew and Michael. Mr. HOYER has joined me in clearing the names of these two pilots, and I want to thank him again for that.

In addition, Congressman NORM DICKS from the State of Washington, who will be leaving this year, has heard me speak on the floor about this accident, and he also wants to join in clearing the names of these two pilots.

Mr. Speaker, I also want to thank attorney Jim Furman in Texas. Attorney Jim Furman represented Connie Gruber and Trish Brow in the lawsuit against Bell-Boeing. In addition, Brian Alexander and his associate, Francis Young, were the attorneys for the 17 Marine families. So those two attorneys, Jim Furman and Brian Alexander, have joined me in clearing the names of John Brow and Brooks Gruber.

Mr. Speaker, I must state that they won their case against Bell-Boeing. The amount of money allotted to the families has been secured, so therefore no one knows except the families; but it tells me a whole lot when a manufacturing company decides that they would rather settle out of court than take the case to court.

Phil Coyle, the Assistant Secretary of Defense and Director of Operational Test and Evaluation in the Department of Defense at the time of this accident, has also joined us in clearing the names of the two pilots. Also, shortly after the accident in the year 2002, CBS "60 Minutes," led by Mike Wallace, who is now deceased, gave the story of what happened and why this plane crashed and why the two pilots should not be seen at fault.

Mr. Speaker, there have been many people in this 10-year journey. Local press in eastern North Carolina all the way to press in Texas have joined us in this effort to say to Connie Gruber and Trish Brow and their sons and their daughter: your husbands were not at fault.

Why the Marine Corps will not join in this effort I do not understand. All the Marine Corps has to do is to issue a paragraph that clearly states to Trish Brow that your husband, John Brow, Colonel John Brow, pilot, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona. All the Marine Corps has to do is to write a paragraph on the commandant stationery to Connie Gruber stating the same thing, except: your husband, Major Brooks Gruber, copilot, was not at fault for the accident that happened on April 8, 2000, in Marana, Arizona.

Mr. Speaker, you might think—and maybe some people watching tonight might think—well, why is this so difficult? The lawsuits are over, the plane is surviving, there's no threat to the Marine Corps that they're going to eliminate the V–22. It is part of their

arsenal now. But this is what happened: a Marine Corps press release July 27, 2000, states:

> Unfortunately, the pilot's drive to accomplish that mission appears to have been the fatal factor.

Mr. Speaker, the official JAGMAN investigation that I made reference to, Colonel Morgan, Colonel Radich and Major Stackhouse, this is what they said in the JAGMAN:

> During this investigation, we found nothing that we would characterize as negligence, deliberate pilot error, or maintenance/material failure.

Mr. Speaker, if only the Marine Corps, after the JAGMAN report came out, would have released a press statement that would have said: After we have reviewed this JAGMAN report, it is now our determination, because of the JAGMAN report, that Colonel John Brow and Major Brooks Gruber were not at fault for this accident.

Mr. Speaker, at the time of this accident, this issue of vortex ring state was not fully understood. It was understood in the world of the helicopters, but not in the world of the Osprey. The Marine Corps did not understand, nor did Bell-Boeing understand, how the vortex ring state, how these pilots could have reacted. Mr. Speaker, in fact, at the time of the accident, the NATOPS manual that was given to the pilots of the V–22—and this night given to Colonel John Brow and Major Brooks Gruber—the NATOPS manual had absolutely nothing about the vortex ring state. It had one sentence. Since that time, the NATOPS manual for the Marine Corps and the Navy and the Air Force, Mr. Speaker, is six pages about vortex ring state and how you react to vortex ring state.

Mr. Speaker, there are warning systems in the cockpit of the V–22 now that these two Marines never saw, never had, never understood, never knew about. But since that accident, Mr. Speaker, they now have a warning system that tells the pilots that you're in trouble, you're in trouble. They even have in the helmets they wear a voice of a woman saying ''sink, sink, sink,'' meaning you have to react to the sinking of the ship, this plane.

Mr. Speaker, that's why tonight and once a month I'm coming down on the floor to talk about the fact that these marines have every right to rest in peace. One's buried in Arlington Cemetery; that's Colonel John Brow. And the other, Major Brooks Gruber, is buried in the veterans cemetery down in Jacksonville, North Carolina, where his wife lives.

Mr. Speaker, I also want to thank WTVD of Durham. They're bringing a film crew up tomorrow to interview Trish Brow and one of her sons. They will meet Mrs. Brow over at Arlington Cemetery. This is why it does not make any sense why the Marine Corps will not issue a public statement in a paragraph to the two wives saying: after this many years and all the facts and all the testing and everything that we've done, there's no way that your husbands could have known what they were doing.

Mr. Speaker, they were sitting in the air. They did not understand how to react to vortex ring state. The Marine Corps knew not how to explain to them how to react. And Bell-Boeing had not done the proper research. Mr. Speaker, when I say proper research, after this accident and an additional accident, Tom MacDonald, a test pilot, spent 700 hours trying to figure out how the V–22 responds to vortex ring state and how the pilot should respond to vortex ring state. In fact, Mr. MacDonald deserved and he earned from the Test Pilots Association the Kincheloe Award for finding out and figuring out what you do when a plane gets into vortex ring state.

Mr. Speaker, these two men would not have given their lives and 17 marines in the back of the plane if Bell-Boeing had done its job and the Marine Corps had demanded that Bell-Boeing understand vortex ring state and how it would impact the V–22.

Mr. Speaker, very quickly—I'm going to close in just a few minutes, but I wanted to share with the RECORD that when the JAGMAN said that this was not deliberate pilot error, I wrote to one of the investigators, Lieutenant Colonel Morgan, and I asked him how and why did you use the words ''deliberate pilot error'' in the JAGMAN report. Again, the families, we accept the JAGMAN report; but I did not quite understand, I'm not a pilot, not a marine, never served, but I wanted to understand why. And I'd like to read this for the RECORD.

□ 2000

Colonel Morgan stated, and these are his words:

> My personal feeling and opinion, supported by my interview with the lead flight crew, is that the mishap aircraft had no idea they had exceeded any flight parameters.

Mr. Speaker, the pilots had no idea they had exceeded any flight parameters. They were merely trying to remain in position on a flight lead trying to salvage a bad approach.

Mr. Speaker, the bad approach was by the lead plane. This was the second plane.

And, again, he said, the pilots had no idea they had exceeded any flight parameters.

Mr. Speaker, as I said just a moment ago, they now have warning systems, and if the pilots today had exceeded any flight parameters, there would be a warning system going off, and the plane would not crash and 19 Marines would not burn to death.

Mr. Speaker, again, I want to thank Congressman STENY HOYER for joining in this effort to clear the names of these two Marines. I want to thank the families, Trish Brow and her two boys, and Connie Gruber and her little girl, Brooks, for continuing to say somebody's got to clear the names of these two men.

They were outstanding pilots. Mr. Speaker, I've never had anyone in the Marine Corps tell me anything different than that John Brow and Brooks Gruber were outstanding pilots. But, as I've said tonight, the environment of the times, Secretary of Defense Dick Cheney was opposed to the V–22 program. He wanted to eliminate the program. There were Members in Congress in both parties that wanted to save the program. There was a fight going on.

So when these two Marines crashed, and the 17 Marines in the back of the plane that died, they sent out this press release that I just made mention of, and they never had a second press release that would clearly have stated, based on the investigation, based on the JAGMAN report that we, the Marine Corps, have reviewed, and signed by General McCorkle, that these two pilots were not at fault. They had not been trained. They did not understand vortex ring state. Bell Boeing didn't do its job. The Marine Corps didn't demand that Bell Boeing make this plane safe, and how it would react to vortex ring state, and they didn't understand it.

So for 10 years—actually 12 now; the crash was in 2000—for 10 years there have been many people who have joined me in trying to say to the Marine Corps, you owe these two men. They deserve and their families deserve a letter from the Marine Corps stating that they were not at fault for this accident.

Mr. Speaker, again, all I can say, and I will continue to say to the Marine Corps, you have the utmost respect of the American people. They have great respect for the history of the Marine Corps and what the Marine Corps has done for our country in all the wars, just like the other services.

But in this case we're talking about the Marine Corps. And all the families want is one paragraph that clearly states that Colonel John Brow, pilot, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona. All Connie Gruber wants is the same letter, but with her husband's name. This is to certify that copilot Brooks Gruber, Major Brooks Gruber, was not at fault for the accident that occurred on April 8, 2000, in Marana, Arizona.

Mr. Speaker, this is a journey that I will not stop till we clear the names of these two pilots. The facts are on our side. There's so much more that I could say tonight. I have volumes, Mr. Speaker. I have the tape that Jim Furman presented in the lawsuit case. I have a copy of that, given to me by Jim Furman. I've seen it all.

I've seen the tape from Mike Wallace and ''60 Minutes.'' I've talked to Jim Shaffer, Colonel Shaffer, now retired. He was in the air. There were four planes flying that night, and he was in the air. These were his buddies, John Brow and Brooks Gruber. He saw the plane crash. He's joined us in this effort to clear the names of Colonel John Brow and Major Brooks Gruber.

I want to thank Chairman BUCK MCKEON and Ranking Member ADAM SMITH. They allowed language to be in the NDAA bill that basically says they hope that the Marine Corps will work to clear the names of these two pilots.

And, Mr. Speaker, I want to thank the press that has taken on this effort also. Voltaire said, and I quote Voltaire, We owe the living our respect. We owe the dead the truth. And that's all this effort has ever been about is trying to call on the Marine Corps, who the American people respect, I respect, to issue the letter to Trish Brow and Connie Gruber.

Mr. Speaker, all the lawsuits are over, and I look at this letter from Mike Morgan, and I don't read it because the first sentence is about me. But it says:

> I applaud and fully support the extraordinary effort you have undertaken in support of John Brow and Brooks Gruber and the families who lost loved ones in the tragic crash of Nighthawk 72.

Let me read just a couple more, and then I'm going to close, Mr. Speaker. This is from Phil Stackhouse. Again, this is one of the three investigators. He said:

> I do not believe that it would be a surprise to anyone that it is my opinion the mishap was not a result of pilot error, but was the result of a perfect storm of circumstances.

Mr. Speaker, that's what I'm talking about. They did not understand vortex ring state. The manufacturer didn't understand it. The Marine Corps didn't understand it, so they couldn't train the pilots to understand it. That's what Major Stackhouse meant by a perfect storm of circumstances.

During the conduct of this investigation, we collected some 20 binders of evidence, including, among other things, maintenance records, training records, telemetry records, operational and testing records, and dozens of photographs. He further states this includes, for example, compressed testing and evaluation created by deadlines, funding, and maintenance.

Mr. Speaker, that's what he's talking about—at that particular time, when this plane was up and going to Arizona, they were cutting programs to test the plane. You had Secretary of Defense Dick Cheney trying to kill the program. They did everything they could.

I don't blame the Marine Corps for trying to save the program. They believed that this was the helicopter of the present and the future.

But he further stated:

> The actions of the lead aircraft in the section, and lack of understanding how vortex ring state/power settling would actually affect the Osprey in the real world, was part of the problem. I do not feel that our investigation reflects that the mishap was a result of pilot error, and if the investigation was interpreted that way, it was misinterpreted.

Mr. Speaker, this is one of the three investigators. They all wrote about the same letter. And Major Phil Stackhouse closed by saying this:

> For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

Mr. Speaker, I've had the privilege and the pleasure to meet Major Brooks Gruber's daddy and mom. They live in Florida. One time after the accident they came to Jacksonville, North Carolina, and Connie Gruber invited me to the First Baptist Church of Jacksonville. And it's one of those falls where they have reunions. And I never will forget, after the church service, Connie said, I want you to meet my father-in-law.

□ 2010

I went out and met Mr. Gruber. Mr. Speaker. He was a marine who fought for this country in Korea. We were in the vestibule of the First Baptist Church in Jacksonville.

He said, I want to shake your hand.

With tears in his eyes, he said, Congressman, I cannot thank you enough for trying to clear my son's name.

Mr. Speaker, I've stayed in touch with Mr. Gruber from time to time to let him know we're making progress. No, we're not there yet, but we keep beating this drum, the drum saying, Clear their names; clear their names; clear their names.

I called Trish Brow last week to tell her that WTVD wanted to come up and interview her about the accident. It happened to be a tough day, Mr. Speaker, because her father-in-law, who is 80 years old, was having surgery. I am pleased to report that the surgery went well.

I want Mr. Brow, Sr., and his family and I want Mr. Gruber, Sr., and his family to see the letter that we are asking the Marine Corps to send to the two wives. Both men are in their eighties.

I will read it one more time before closing:

> For any record that reflects the mishap was a result of pilot error, it should be corrected. For any publication that reflects the mishap was a result of pilot error, it should be corrected and recanted.

The three investigators—Colonel Mike Morgan, Colonel Ron Radich, Major Phil Stackhouse—have all written me letters and have said the same thing, that our JAGMAN report says the pilots were not at fault.

Mr. Speaker, we are going to keep battling this thing for the families. I will say we're getting closer because I have such faith in God Almighty that I know that it's God's will that these two pilots who are dead and their families who are living deserve to have their names cleared. I just call on the Marine Corps to do what's right for their marines.

Do what's right for the marines. Forget the Congressman. He just happens to be the foot soldier. Do what's right for the two marines who are dead. Do what's right for the 17 marines who were in the back of the plane who are dead, and do what's right for the families of the pilot and co-pilot.

Mr. Speaker, with that, I want to thank you and the staff. You stayed here tonight to give me this chance to share my concern, my heart.

I will ask God to please touch the hearts of those in the United States Marine Corps, to look at the face of Colonel John Brow, pilot, and at the face of Major Brooks Gruber, co-pilot, and call on the Marine Corps to write the letters to the families and to publicly say that the JAGMAN report has cleared these two pilots' names and that we, the Marine Corps, could have 8 years ago issued a press release to the Nation saying that these two pilots were not at fault.

Had they done that, I would not be on the floor tonight.

Mr. Speaker, I close, as I always do, from the bottom of my heart for all of those fighting in Afghanistan: God, please bless the families of our men and women in uniform. Please, God, bless those who are serving our Nation. Those who have lost loved ones in Afghanistan and Iraq, hold them in your arms, dear God. Give them comfort.

God, please bless the House and Senate that we will do what is right in the eyes of God. Please bless President Obama that he will do what is right in the eyes of God for God's people.

And three times I will say in closing: God, please, God, please, God, please, continue to bless America.

I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GRIFFIN of Arkansas (at the request of Mr. CANTOR) for today on account of illness.

Mr. SCHILLING (at the request of Mr. CANTOR) for today on account of attending the visitation of a fallen soldier.

ADJOURNMENT

Mr. JONES. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 15 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, June 19, 2012, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6456. A letter from the Acting Under Secretary, Department of Defense, transmitting the Department's report on the amount of purchases from foreign entities in Fiscal Year 2011, pursuant to Public Law 104-201, section 827 (110 Stat. 2611); to the Committee on Armed Services.

6457. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's final rule —

Energy Conservation Program for Certain Industrial Equipment: Energy Conservation Standards and Test Procedures for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket No.: EERE-2011-BT-STD-0029] (RIN: 1904-AC47) received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6458. A letter from the Assistant General Counsel for Legislation, Regulation and Energy Efficiency, Department of Energy, transmitting the Department's ''Major'' final rule — Energy Conservation Program: Energy Conservation Standards for Residential Clothes Washers [Docket Number: EERE-2008-BT-STD-0019] (RIN: 1904-AB90) received June 13, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6459. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Irradiation in the Production, Processing and Handling of Food [Docket No.: FDA-1999-F-0021; Formerly 1999F-2673] received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6460. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Labeling and Effectiveness Testing; Sunscreen Drug Products for Over-the-Counter Human Use; Delay of Compliance Dates [Docket No.: FDA-1978-N-0018] (Formerly Docket No.: 1978N-0038) (RIN: 0910-AF43) received May 17, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6461. A letter from the Deputy Director, Office of State, Local, and Tribal Affairs, Executive Office Of The President, Office of National Drug Control Policy, transmitting reports on the National Youth Anti-Drug Media Campaign for Fiscal Year 2011, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

6462. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting the Department's annual report for 2011 on Voting Practices in the United Nations, pursuant to Public Law 101-246, section 406; to the Committee on Foreign Affairs.

6463. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Foreign Affairs.

6464. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Export and Import of Nuclear Equipment and Material; Export of International Atomic Energy Agency Safeguards Samples [NRC-2011-0213] (RIN: 3150-AJ04) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Foreign Affairs.

6465. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Sandia National Laboratories in Albuquerque, New Mexico be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6466. A letter from the Federal Liaison Officer, Department of Commerce, transmitting the Department's final rule — Changes in Requirements for Specimens and for Affidavits or Declarations of Continued Use or Excusable Nonuse in Trademark Cases [Docket No.: PTO-T-2010-0073] (RIN: 0651-AC49) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6467. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Clinton Engineer Works in Oak Ridge, Tennessee, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6468. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Brookhaven National Laboratory in Upton, New York, to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6469. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from the Electro Metallurigical site in Niagara Falls, New York to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6470. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's determination on a petition on behalf of workers from Hangar 481 on the premises of Kirtland Air Force Base, Albuquerque, New Mexico to be added to the Special Exposure Cohort (SEC), pursuant to the Energy Employees Occupational Illness Compensation Program Act of 2000 (EEOICPA); to the Committee on the Judiciary.

6471. A letter from the Assistant Attorney General, Civil Rights Division, Department of Justice, transmitting the Department's final rule — Amendment of Americans With Disabilities Act Title II and Title III Regulations To Extend Compliance Date for Certain Requirements Related to Existing Pools and Spas Provided by State and Local Governments and by Public Accommodations [CRT Docket No: 123; A.G. Order No. 3332-2012] (RIN: 1190-AA69) received May 21, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

6472. A letter from the Director, Executive Office Of The President, Office of National Drug Control Policy, transmitting a report of the Use of High Intensity Drug Trafficking Areas Program Funds to Combat Methamphetamine Trafficking; to the Committee on the Judiciary.

6473. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Modifications to Definition of United States Property [TD 9589] (RIN: 1545-BK11) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6474. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Applicable Federal Rates — June 2012 (Rev. Rul. 2012-15) received May 22, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6475. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation of Mortgage Insurance Premiums [TD 9588] (RIN: 1545-BH84) received May 11, 2012, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 3668. A bill to prevent trafficking in counterfeit drugs; with an amendment (Rept. 112–537). Referred to the Committee of the Whole House on the state of the Union.

Mr. HASTINGS of Washington: Committee on Natural Resources. H.R. 3100. A bill to authorize the Secretary of the Interior to expand the boundary of the San Antonio Missions National Historical Park, to conduct a study of potential land acquisitions, and for other purposes; with an amendment (Rept. 112–538). Referred to the Committee of the Whole House on the State of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 688. Resolution providing for consideration of the bill (H.R. 2578) to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes (Rept. 112–539). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MANZULLO (for himself, Mr. MCINTYRE, Mr. BUCSHON, Mr. FINCHER, Mr. JOHNSON of Illinois, Mr. BOSWELL, and Mr. KISSELL):

H.R. 5952. A bill to require each Federal agency to submit and obtain approval from the Director of the Office of Science and Technology Policy of guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of scientific information relied upon by the agency; to the Committee on Oversight and Government Reform.

By Mr. QUAYLE (for himself, Mr. ROSS of Florida, Mr. GRAVES of Georgia, Mr. RIBBLE, Mr. MULVANEY, Mr. BROOKS, and Mr. LONG):

H.R. 5953. A bill to prohibit the implementation of certain policies regarding the exercise of prosecutorial discretion by the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. ALTMIRE (for himself and Mr. GERLACH):

H.R. 5954. A bill to designate the facility of the United States Postal Service located at 320 7th Street in Ellwood City, Pennsylvania, as the ''Sergeant Leslie H. Sabo, Jr. Post Office Building''; to the Committee on Oversight and Government Reform.

By Ms. KAPTUR (for herself, Mr. KIND, Ms. PINGREE of Maine, Mr. HINCHEY, Mr. BRALEY of Iowa, Mr. BOSWELL, Mr. LUJÁN, Mr. BUTTERFIELD, Mr. RYAN of Ohio, Mrs. CHRISTENSEN, Mr. LOEBSACK, Ms. LEE of California, Ms. RICHARDSON, Mr. WALZ of Minnesota, Mr. MICHAUD, Mr. BLUMENAUER, and Ms. FUDGE):

H.R. 5955. A bill to amend the Farm Security and Rural Investment Act of 2002 to improve energy programs; to the Committee on

Agriculture, and in addition to the Committees on Oversight and Government Reform, and Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NADLER (for himself, Mr. PETRI, Mr. CONYERS, Ms. ZOE LOFGREN of California, Mr. FILNER, Mr. HINCHEY, and Mr. STARK):

H.R. 5956. A bill to provide safe, fair, and responsible procedures and standards for resolving claims of state secrets privilege; to the Committee on the Judiciary.

By Mr. SCHWEIKERT:

H.R. 5957. A bill to prohibit the Secretary of Homeland Security from granting deferred action or otherwise suspending the effectiveness or enforcement of the immigration laws; to the Committee on the Judiciary.

By Mr. TURNER of New York (for himself, Mr. KING of New York, and Mr. GRIMM):

H.R. 5958. A bill to name the Jamaica Bay Wildlife Refuge Visitor Contact Station of the Jamaica Bay Wildlife Refuge unit of Gateway National Recreation Area in honor of James L. Buckley; to the Committee on Natural Resources.

By Mr. SCHIFF:

H.J. Res. 111. A joint resolution proposing an amendment to the Constitution of the United States relating to the authority of Congress and the States to regulate contributions and expenditures in political campaigns and to enact public financing systems for such campaigns; to the Committee on the Judiciary.

By Mr. DESJARLAIS (for himself and Mr. ROE of Tennessee):

H.J. Res. 112. A joint resolution disapproving the rule submitted by the Internal Revenue Service relating to the health insurance premium tax credit; to the Committee on Ways and Means.

By Ms. DELAURO (for herself, Ms. KAPTUR, Mr. HIGGINS, Mr. CARDOZA, Mrs. CAPPS, Ms. MCCOLLUM, Mr. RANGEL, Mr. RYAN of Ohio, Ms. LINDA T. SÁNCHEZ of California, Ms. ROYBAL-ALLARD, and Ms. ESHOO):

H. Res. 689. A resolution honoring Catholic sisters for their contributions to the United States; to the Committee on Oversight and Government Reform.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. MANZULLO:

H.R. 5952.

Congress has the power to enact this legislation pursuant to the following:

Commerce Clause

By Mr. QUAYLE:

H.R. 5953.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 4

By Mr. ALTMIRE:

H.R. 5954.

Congress has the power to enact this legislation pursuant to the following:

This bill is enacted pursuant to the power granted to Congress under Article I, Section 8, of the United States Constitution.

By Ms. KAPTUR:

H.R. 5955.

Congress has the power to enact this legislation pursuant to the following:

Clause 18 of section 8 of Article I & Clause I of section 8 of Article I

By Mr. NADLER:

H.R. 5956.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8, clauses 9 and 18 of the Constitution

By Mr. SCHWEIKERT:

H.R. 5957.

Congress has the power to enact this legislation pursuant to the following:

Article 1. Section 8. Clause 4—The Congress shall have the power to establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

By Mr. TURNER of New York:

H.R. 5958.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3:[2]

The Congress shall have Power To regulate Commerce with foreign Nations, and among the several States,

By Mr. SCHIFF:

H.J. Res. 111.

Congress has the power to enact this legislation pursuant to the following:

Article V of the United States Constitution.

By Mr. DESJARLAIS:

H.J. Res. 112.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 1:

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. BONNER.

H.R. 139: Mr. LEWIS of Georgia, Ms. HAHN, Mr. CAPUANO, and Ms. BROWN of Florida.

H.R. 140: Mrs. BLACK and Mr. MICA.

H.R. 191: Mr. MCGOVERN.

H.R. 266: Ms. CHU.

H.R. 267: Ms. CHU.

H.R. 459: Mrs. ELLMERS and Mr. WHITFIELD.

H.R. 529: Ms. EDWARDS.

H.R. 587: Ms. CHU.

H.R. 605: Mr. KINGSTON.

H.R. 694: Mr. SIRES, Mr. HONDA, Mr. RYAN of Ohio, Mr. LARSEN of Washington, Mrs. CAPPS, Mr. COHEN, Mr. DAVID SCOTT of Georgia, and Mr. LEWIS of Georgia.

H.R. 718: Mr. AMODEI.

H.R. 733: Mr. WAXMAN, Mrs. BLACKBURN, Mr. LATOURETTE, and Ms. BONAMICI.

H.R. 791: Ms. CHU.

H.R. 812: Mr. COHEN.

H.R. 816: Mr. THORNBERRY.

H.R. 835: Ms. SEWELL.

H.R. 860: Ms. VELÁZQUEZ.

H.R. 905: Mr. PRICE of Georgia.

H.R. 1170: Mr. JONES.

H.R. 1236: Mr. REED, Ms. HANABUSA, and Mrs. ELLMERS.

H.R. 1265: Mr. MACK.

H.R. 1327: Mr. BUTTERFIELD, Mr. CAMPBELL, Mr. SCOTT of Virginia, and Mr. COSTA.

H.R. 1344: Mr. RYAN of Ohio.

H.R. 1385: Mr. CHABOT.

H.R. 1409: Mr. PALAZZO.

H.R. 1513: Ms. SEWELL and Mr. KEATING.

H.R. 1653: Mr. HANNA.

H.R. 1704: Mr. GRIMM.

H.R. 1746: Mr. MICHAUD and Ms. KAPTUR.

H.R. 1755: Mr. BONNER, Mr. GRAVES of Georgia, Mr. AKIN, Mr. KINGSTON, and Mr. COHEN.

H.R. 1802: Mr. ANDREWS.

H.R. 1878: Ms. LEE of California.

H.R. 1910: Mr. TURNER of Ohio.

H.R. 1916: Mrs. LOWEY and Ms. EDWARDS.

H.R. 1936: Mr. KISSELL.

H.R. 1956: Mr. ADERHOLT.

H.R. 2010: Mr. KINGSTON.

H.R. 2030: Mr. LUJÁN, Mr. HINCHEY, and Mr. ISRAEL.

H.R. 2104: Mr. BACA and Mr. KING of New York.

H.R. 2123: Mrs. MCCARTHY of New York.

H.R. 2151: Mr. CONYERS.

H.R. 2194: Mrs. DAVIS of California.

H.R. 2267: Mr. PERLMUTTER, Ms. HIRONO, Mr. OLVER, Mr. RUSH, Mr. MCDERMOTT, Mr. BARTLETT, and MR. ROONEY.

H.R. 2327: Mr. ROSS of Florida.

H.R. 2499: Mr. LEWIS of Georgia, Mr. ROSS of Arkansas, and Ms. KAPTUR.

H.R. 2514: Mr. MICA and Mr. HARRIS.

H.R. 2634: Mr. COHEN.

H.R. 2671: Mr. WELCH.

H.R. 2866: Ms. SEWELL and Mr. DIAZ-BALART.

H.R. 3145: Mr. CAPUANO.

H.R. 3187: Mr. GUTHRIE.

H.R. 3307: Mr. LATOURETTE.

H.R. 3458: Mr. ROSS of Florida.

H.R. 3481: Mr. NUNNELEE.

H.R. 3485: Ms. BASS of California and Mr. CARNAHAN.

H.R. 3506: Mr. YOUNG of Alaska.

H.R. 3510: Mr. CROWLEY and Mr. PAULSEN.

H.R. 3596: Mr. CICILLINE.

H.R. 3612: Mr. JOHNSON of Georgia, Mrs. LOWEY, Mr. TIERNEY, and Mr. GERLACH.

H.R. 3618: Mr. DOGGETT.

H.R. 3627: Mr. KELLY and Ms. EDWARDS.

H.R. 3656: Mr. BRALEY of Iowa.

H.R. 3668: Mr. LUJÁN and Mr. CROWLEY.

H.R. 3798: Mr. CONNOLLY of Virginia, Mrs. DAVIS of California, Mr. CICILLINE, Mr. SARBANES, Ms. SEWELL, Mr. ISRAEL, Mr. BUCHANAN, Mr. REYES, Mr. LYNCH, Mr. NADLER, and Mr. KEATING.

H.R. 3849: Mr. KISSELL, Mr. WILSON of South Carolina, Mr. FLEISCHMANN, and Mr. MARINO.

H.R. 3860: Mr. FRANK of Massachusetts and Ms. RICHARDSON.

H.R. 3895: Mrs. EMERSON.

H.R. 3905: Mr. CLARKE of Michigan.

H.R. 4052: Mr. SHERMAN, Mrs. MCCARTHY of New York, Mr. CARSON of Indiana, and Mr. LIPINSKI.

H.R. 4070: Mr. HULTGREN and Ms. HOCHUL.

H.R. 4104: Mr. SENSENBRENNER, Mr. BISHOP of Utah, Mr. REICHERT, Mr. WOLF, Mr. YODER, Mr. REHBERG, Mr. SCHWEIKERT, Mr. WOODALL, Mr. GARY G. MILLER of California, Mr. GRAVES of Georgia, Mr. SMITH of Nebraska, Mr. MARINO, Mr. ROGERS of Kentucky, Mr. ROYCE, Mr. CARSON of Indiana, Mr. HIGGINS, Ms. CASTOR of Florida, Ms. SCHWARTZ, Ms. TSONGAS, Mr. TIERNEY, Ms. SCHAKOWSKY, Mr. GEORGE MILLER of California, Mr. MCNERNEY, Ms. CHU, Mr. SHERMAN, Mr. KEATING, Mr. YARMUTH, Mr. BRALEY of Iowa, Mr. HEINRICH, Mr. PETRI, Mr. MCKINLEY, Mr. CLAY, Ms. HANABUSA, Mrs. NOEM, Mr. NUNES, Mr. ALEXANDER, Mr. DUNCAN of Tennessee, Mr. PENCE, Mr. GOODLATTE, Ms. ROS-LEHTINEN, Mr. WALSH of Illinois, Mr. WALBERG, Mr. PLATTS, Mr. HERGER, Mr. LANCE, Mr. JONES, Mrs. BACHMANN, Mr. HULTGREN, Mr. SMITH of Texas, Mr. ROSS of Florida, Mr. THORNBERRY, Mr. TERRY, Mr. CLARKE of Michigan, Mr. CAPUANO, Mr. ELLISON, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. ACKERMAN, Ms. HOCHUL, Mr. SCHRADER, Mr. MEEKS, Ms. CLARKE of New York, Mr. GALLEGLY, Mr. GUINTA, Mr. CASSIDY, Mr. BROUN of Georgia, Mr. KING of Iowa, Mr. WHITFIELD, Mr. GUTHRIE, Mr. CRENSHAW, Mr. CALVERT,

Mr. MCCLINTOCK, Mr. FRANKS of Arizona, Ms. MOORE, Mr. JOHNSON of Illinois, Mr. LIPINSKI, Mr. LYNCH, Mr. BLUMENAUER, and Mr. BURTON of Indiana.

H.R. 4122: Mr. LYNCH.

H.R. 4238: Mr. MORAN.

H.R. 4256: Mr. SESSIONS.

H.R. 4285: Mr. GONZALEZ.

H.R. 4286: Mr. MICHAUD, Ms. SEWELL, Mr. LARSEN of Washington and Mr. PETERS.

H.R. 4287: Mr. HASTINGS of Florida, Ms. EDWARDS, Ms. SCHAKOWSKY, Mr. RUSH, Mr. FILNER, Mr. MURPHY of Connecticut, Mr. OLVER, Mr. GRIFFIN of Arkansas, Mr. BARLETTA, and Mr. CARSON of Indiana.

H.R. 4318: Ms. SCHAKOWSKY.

H.R. 4323: Mr. ROE of Tennessee.

H.R. 4335: Mr. MARINO.

H.R. 4342: Mr. ROSKAM and Mr. HOLDEN.

H.R. 4367: Mr. HONDA, Mr. AMASH, Mr. RUPPERSBERGER, Mr. WALZ of Minnesota, Mr. WILSON of South Carolina, Mr. LYNCH, Mr. LUJÁN, and Ms. HAHN.

H.R. 4965: Mr. GOSAR, Mr. POSEY, Mr. PALAZZO, and Mr. MARINO.

H.R. 5186: Ms. SLAUGHTER, Ms. BORDALLO, Mr. OLVER, Ms. LEE of California, Ms. KAPTUR, Ms. BROWN of Florida, and Mr. KUCINICH.

H.R. 5542: Ms. SUTTON and Mr. CONYERS.

H.R. 5593: Mr. RUSH.

H.R. 5646: Mr. HARRIS.

H.R. 5683: Mr. PERLMUTTER.

H.R. 5684: Mr. COURTNEY.

H.R. 5744: Mr. LABRADOR.

H.R. 5796: Mr. RIGELL, Mr. RIVERA, Mr. WELCH, Mr. DANIEL E. LUNGREN of California, and Mr. WOLF.

H.R. 5822: Mr. POMPEO.

H.R. 5823: Ms. LEE of California.

H.R. 5850: Mr. AMODEI.

H.R. 5859: Mr. KINZINGER of Illinois.

H.R. 5860: Mr. CONYERS.

H.R. 5893: Mr. CONNOLLY of Virginia.

H.R. 5901: Mr. FATTAH, Mr. RANGEL, and Mr. JOHNSON of Georgia.

H.R. 5910: Mr. GRIMM and Mr. PAULSEN.

H.R. 5911: Mr. PETRI, Mr. ROSS of Arkansas, and Mr. LANDRY.

H.R. 5942: Mr. ENGEL.

H.R. 5943: Mr. THORNBERRY, Mr. BOSWELL, Mr. HANNA, Mr. COURTNEY, and Mr. BISHOP of New York.

H.R. 5948: Mr. MILLER of Florida and Mr. ROE of Tennessee.

H.J. Res. 78: Mr. CAPUANO.

H. Con. Res. 116: Mr. BERG.

H. Con. Res. 127: Mr. CRITZ, Ms. BONAMICI, Mr. BUCHANAN, Mr. NUNNELEE, Mr. FARR, Mr. GEORGE MILLER of California, Mr. BURGESS, Mr. POLIS, and Ms. ZOE LOFGREN of California.

H. Con. Res. 129: Mr. CAMP.

H. Res. 20: Mr. MEEKS.

H. Res. 21: Mr. RANGEL.

H. Res. 29: Mr. SHERMAN.

H. Res. 608: Mr. ELLISON and Mr. CLARKE of Michigan.

H. Res. 616: Mr. CARTER.

H. Res. 623: Mr. NUGENT, Mr. PLATTS, and Mr. LANCE.

H. Res. 654: Ms. BROWN of Florida.

H. Res. 662: Mr. JOHNSON of Ohio and Mr. CRAVAACK.

H. Res. 678: Mr. CALVERT and Mr. GOSAR.

H. Res. 683: Mr. FALEOMAVAEGA, Ms. PELOSI, and Mr. STARK.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of the rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Representative HASTINGS of Washington, or a designee, to H.R. 2578, to amend the Wild and Scenic Rivers Act related to a segment of the Lower Merced River in California, and for other purposes, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of rule XXI.